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# HANSARD'S
# PARLIAMENTARY DEBATES,

## THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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## VOL. CXCVII.

COMPRISING THE PERIOD FROM

THE SEVENTEENTH DAY OF JUNE 1869,

TO

THE FIFTEENTH DAY OF JULY 1869.

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Fourth Volume of the Session.

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Resolutions to be reported *To-morrow,* at Two of the clock; Committee to sit again upon *Wednesday.*

**Shipping Dues Exemption Act (1867) Amendment Bill—**
*Considered* in Committee .. .. .. .. 685

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill for the amendment of "The Shipping Dues Exemption Act, 1867,"—(*Mr. Russell Gurney.*)

Resolution *agreed to,* and *reported:*—Bill *ordered* (*Mr. Russell Gurney, Mr. William Cowper*); *presented,* and read the first time. [Bill 184.]

**Seeds Adulteration Bill**—Select Committee *nominated:*—List of the Committee .. 685

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**Irish Church Bill** (No. 109)—
Order of the Day for the House to be put into Committee, read .. 686
Then it was *moved* that the House do now resolve itself into a Committee upon the said Bill,—(*Earl Granville*).
After short debate, Motion *agreed to*:—House in Committee accordingly; Title *postponed*.
Then it was *moved* that the Preamble be postponed; which being objected to (*The Earl Grey*): after some time spent therein, on Question? *Resolved* in the *Affirmative*: Preamble postponed accordingly .. 689
Clause 1 (Short title) .. .. .. .. 743
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Clause 9 (Duration of office, and restriction on sitting in Parliament) .. 759
Clause 10 (Prohibition of future appointments) .. .. 760
House to be again in Committee on *Thursday* next.

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**Imprisonment for Debt Bill** [Bill 179]—
Bill, as amended, *considered* .. .. .. .. 760
After debate, Bill to be read the third time upon *Thursday*.

**University Tests Bill** [Bill 15]—
Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair" .. .. .. .. .. 767
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Bentinck*,)—instead thereof .. .. .. 767
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*.
Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.
Bill *considered* in Committee .. .. .. 788
After some time spent therein, Committee report Progress; to sit again upon *Friday*, at Two of the clock.

PRISONERS (POLITICAL OFFENCES)—RESOLUTIONS—
*Moved*, "That it is the duty of the Government to institute a public inquiry into the penal discipline of our Prisons, for the purpose of a better classification of prisoners generally; distinguishing the tried from the untried, and those who may be charged with offences from those who, under exceptional circumstances, may be temporarily detained without any specific charge having been preferred against them,"—(*Mr. George Moore*) 798
After debate, Question put:—The House *divided;* Ayes 31, Noes 171; Majority 140.
*Moved*, "That Her Majesty's Government should inquire how far political offenders should be regarded as a separate class, and how far the severity of the punishment to which the political convicts in our Prisons have been already subjected may be regarded as reasonable grounds for a favourable consideration in their case,"—(*Mr. George Moore*) 815
Question put, and *negatived*.

COUNTY COURT JUDGES (SALARIES)—RESOLUTION—

*Moved,* "That, having regard to the Admiralty Act of last Session, by virtue of which an entirely new jurisdiction has been conferred upon certain County Courts, and to the Bankruptcy Bill, under which the district County Courts will take the place and perform the functions of the district Bankruptcy Courts, and with a view to secure efficiency in the office of County Court Judge, in the opinion of this House it is expedient that the judges upon whom the new duties and responsibilities may be imposed should receive an additional remuneration of £300 a year,"—(*Mr. Hibbert*) .. .. 816

After debate, Question put:—The House *divided;* Ayes 56, Noes 102; Majority 46.

**Dublin Freemen Bill**—

*Moved,* "That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of corrupt practices amongst the Freemen Electors of the City of Dublin," —(*Mr. Attorney General for Ireland*) .. .. .. 819

After short debate, *Moved,* "That the Debate be now adjourned,"—(*Colonel Taylor*:)—The House *divided;* Ayes 52, Noes 100; Majority 48.

Question again proposed:—*Moved,* "That this House do now adjourn," —(*Viscount Galway*) .. .. .. .. 820

After further short debate, Motion, by leave, *withdrawn.*

Question again proposed:—Debate *adjourned* till *Thursday.*

**Railways Abandonment Bill**—*Ordered* (*Mr. Shaw-Lefevre, Mr. John Bright*); *presented,* and read the first time [Bill 186] .. .. .. 821

**Pensions Commutation Bill**—Resolutions *reported,* and *agreed to*:—Bill *ordered* (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented,* and read the first time [Bill 187] .. .. .. .. .. 821

## COMMONS, WEDNESDAY, JUNE 30.

REGINA *v.* OVEREND, GURNEY, & Co.—Question, Mr. Eykyn; Answer, Mr. Bruce .. .. .. .. .. 821

AGRICULTURAL RETURNS—RESOLUTION—

Order read, for resuming Adjourned Debate on Question [13th April],

"That the Agricultural Returns, now made annually, should, after this year, be discontinued, and collected every fifth year in the place of annually,"—(*Mr. Pell.*)

Question again proposed:—Debate *resumed* .. .. 823

After debate, Motion, by leave, *withdrawn.*

**Edinburgh Annuity Tax Bill** [Bill 19]—

*Moved,* "That the Bill be now read a second time,"—(*Mr. M'Laren*) .. 838

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Sir Graham Montgomery*) .. .. .. .. 843

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 151, Noes 142; Majority 9:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Tuesday* next.

**Party Processions (Ireland) Bill** [Bill 6]—

Order read, for resuming Adjourned Debate on Question [16th March], "That the Bill be now read a second time:"—Question again proposed: —Debate *resumed* .. .. .. .. 864

After debate, Debate *further adjourned* till *To-morrow.*

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**Irish Church Bill** (No. 109)—

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Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Sir Frederick W. Heygate*:)—After short debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 246, Noes 126; Majority 120.

Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Thursday*.

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SUPPLY—Civil Service Estimates—*considered* in Committee

(In the Committee.)

(1.) £40,000, to complete the sum for Public Offices Site.—After short debate, Vote *agreed to* .. .. .. .. .. 1200

(2.) £22,000, to complete the sum for New Home and Colonial Offices.

(3.) £20,000, to complete the sum for Public Record Repository.

(4.) £2,435, to complete the sum for Chapter House, Westminster.—After short debate, Vote *agreed to* .. .. .. .. .. 1209

(5.) Motion made, and Question proposed, "That a sum, not exceeding £5,264, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Expenses connected with the Probate Court and Registries" .. 1210

Motion made, and Question proposed, "That a sum, not exceeding £5,026, &c."—(*Mr. Monk.*)—After short debate, Motion, by leave, *withdrawn*.

Original Question again proposed.

Motion made, and Question proposed, "That a sum, not exceeding £3,764, &c,"—(*Mr. William Cowper*) .. .. .. .. 1211

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(6.) £19,048, to complete the sum for Sheriff Court Houses, Scotland.

(7.) £46,000, to complete the sum for National Gallery Enlargement.

(8.) £20,000, to complete the sum for University of London (Buildings).

(9.) £13,000, to complete the sum for Glasgow University.

(10.) £7,000, to complete the Industrial Museum, Edinburgh.—After short debate, Vote *agreed to* .. .. .. .. .. 1212

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SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued.*
(II.) Motion made, and Question proposed, "That a sum, not exceeding £54,834, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for erecting a new Building on the site of the wings of Burlington House and for New Buildings for the occupation of various Learned Bodies" .. 1213
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Original Question again proposed.
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Resolutions to be reported *To-morrow,* at Two of the clock ; Committee to sit again upon *Wednesday.*

ELECTRIC TELEGRAPHS—COMMITTEE—
*Considered* in Committee .. .. .. .. 1214
After short time spent therein, Resolutions *agreed to ;* to be reported *To-morrow,* at Two of the clock.

## LORDS, TUESDAY, JULY 6.

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**Irish Church Bill** (No. 109)—
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## COMMONS, TUESDAY, JULY 6.

GENERAL COUNCIL OF MEDICAL EDUCATION AND REGISTRATION—Question, Sir John Gray ; Answer, Mr. Bruce .. .. .. 1269
REDUCTION OF WINE DUTIES—Question, Mr. Akroyd ; Answer, Mr. Ayrton 1270

**Contagious Diseases (Animals) (No. 2) Bill** [Bill 103]—
Bill *considered* in Committee .. .. .. .. 1271
After some time spent therein, Committee report Progress ; to sit again upon *Friday,* at Two of the clock.

ELECTIONS (WALES)—RESOLUTION—*Moved,*
"That, in the opinion of this House, the proceedings of certain landlords in Wales towards their tenants on account of the free exercise of the Franchise at Elections are oppressive and unconstitutional, and an infringement of the rights conferred by Parliament on the people of this country,"—(*Mr. Henry Richard*) .. .. 1294
After long debate, Motion, by leave, *withdrawn.*

INDIA—EAST INDIA (HOME ACCOUNTS)—MOTION FOR PAPERS—
*Moved,* "That the Home Accounts of the Government of India [presented 10th May], be referred to the Committee of Public Accounts,"—(*Sir Stafford Northcote*) .. 1329
After short debate, Motion *agreed to.*

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COVENTRY ELECTION—MOTION FOR A SELECT COMMITTEE—

*Moved,* That a Select Committee be appointed "to inquire into the allegations of the Petition of Charles Flint and others [presented 10th June], respecting the late inquiry into the Election of Members for the City of Coventry, and to report their opinion as to what proceedings, if any, should be taken thereon,"—(*Mr. Bouverie*) .. 1330

After short debate, Question put, and *negatived.*

POOR LAW (REMOVAL OF CHILDREN)—RESOLUTION—

*Moved,* "That in any case where a board of guardians or any parish or union shall have made due provision within the workhouse or district school for the instruction in their own faith of children not of the Established Church, their religious rights being amply secured and the spirit of the law effectually carried out, it is inexpedient that the Poor Law Board should exercise its discretionary power to enforce the removal of such children to schools not under the control of the guardians or of the parish authorities," —(*Mr. Thomas Chambers*) .. .. .. .. 1334

After short debate, the House *divided;* Ayes 29, Noes 71; Majority 42.

**Electric Telegraph Bill**—Resolutions *reported,* and *agreed to*:—Bill *ordered* (*Mr. Dodson, The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Ayrton*); *presented,* and read the first time [Bill 197] .. .. .. 1341

**Metropolitan Building Act (1855) Amendment Bill**—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*) .. .. .. .. 1341

**Jamaica Loans Bill**—*Ordered* (*Mr. Stansfeld, Mr. Chancellor of the Exchequer*) .. 1341

**Poor Law (Ireland) Amendment (No. 2) Bill**—

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CAPE OF GOOD HOPE—BOERS OF THE TRANS-VAAL REPUBLIC—Question, Mr. R. Fowler; Answer, Mr. Monsell .. .. .. 1342

IRELAND—JURY PANEL (MONAGHAN)—Question, Mr. Downing; Answer, The Attorney General for Ireland .. .. .. 1343

**Trades Unions, &c. Bill** [Bill 68]—

*Moved,* "That the Bill be now read a second time,"—(*Mr. Thomas Hughes*) 1344

After short debate, Motion *agreed to*:—Bill read a second time, and *committed* for *To-morrow.*

**Savings Banks and Post Office Savings Banks Bill**—Resolution *reported,* and *agreed to*:—Bill *ordered* (*Mr. Dodson, Mr. Stansfeld, Mr. Chancellor of the Exchequer*); *presented,* and read the first time [Bill 199] .. .. .. 1386

LORDS, THURSDAY, JULY 8.

REPRESENTATIVE PEER FOR IRELAND—

Writs and Returns electing the Earl of Bantry a Representative Peer for Ireland in the room of the late Earl of Wicklow, deceased, with the certificate of the Clerk of the Crown in Ireland annexed thereto—*Delivered* (on oath), and certificate read.

REPRESENTATIVE PEER FOR SCOTLAND—

The Clerk of the Parliaments delivered a certificate of the Clerk of the Crown that the Earl of Kellie had been elected a Representative Peer for Scotland (fifteen Peers of Scotland only having been duly elected at the election of the Peers of Scotland to sit in the House of Peers in the present Parliament of the United Kingdom): Certificate read.

**Life Peerages Bill** (No. 113)—

*Moved,* "That the Bill be now read $3^a$,"—(*The Earl Russell*) .. 1387

Amendment *moved* to leave out ("now,") and insert ("this day three months,")—(*The Earl of Malmesbury.*)

On Question, That ("now") stand part of the Motion?—Their Lordships *divided;* Contents 76; Not-Contents 106: Majority 30:—*Resolved* in the *Negative;* and Bill to be read $3^a$ on *this day three months.*

Division List, Contents and Not-Contents .. .. 1401

**Bankruptcy Bill** (No. 154)—

*Moved*, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1403

After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* the 16*th Instant*.

**Municipal Franchise Bill** (No. 125)—

*Moved*, "That the Bill be now read 2ª,"—(*The Earl of Lichfield*) .. 1417

Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

**Contagious Diseases Prevention (Metropolis) Bill** [H.L.]—*Presented* (*The Marquess Townshend*); read 1ª (No. 176) .. .. .. .. 1417

## COMMONS, THURSDAY, JULY 8.

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POOR LAW—CATHOLIC CHILDREN IN WORKHOUSES—Question, Mr. Kekewich; Answer, Mr. Goschen .. .. .. 1419

ARMY—RELIEF OF REGIMENTS IN INDIA—Question, Mr. Stacpoole; Answer, Captain Vivian .. .. .. .. 1421

IRELAND—CLERK OF THE CROWN FOR KING'S COUNTY—Questions, Sir Patrick O'Brien; Answers, Mr. Chichester Fortescue .. .. 1421

INDIA—APPEALS—Question, Sir Charles Wingfield; Answer, Mr. Grant Duff 1423

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RECENT NEGOTIATIONS WITH THE UNITED STATES — Observations, Mr. Gladstone; Reply, Sir Henry Bulwer .. .. .. 1425

SUPPLY—MISCELLANEOUS ESTIMATES—Resolutions [28th June] *reported*.

Resolutions 1 to 5 *agreed to*.

Resolution 6 read a second time,

"That a sum, not exceeding £34,026, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Buildings of the Houses of Parliament" .. 1429

Amendment proposed, to leave out "£34,026," in order to insert "£28,526,"—(*Mr. Dillwyn*,)—instead thereof.

After debate, Question, "That '£34,026' stand part of the proposed Resolution," put, and *negatived*.

Question proposed, "That '£28,526' be there inserted."

Amendment proposed to the said proposed Amendment, by leaving out "£28,526," and inserting "£31,026,"—(*Mr. Layard*,)—instead thereof.

After further debate, Question put, "That '£28,526' stand part of the said proposed Amendment:"—The House *divided*; Ayes 97, Noes 187; Majority 90.

£31,026 inserted.

Resolution, as amended, *agreed to*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

CANADA RAILWAY LOAN—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the application of money raised under the Imperial guarantee, in pursuance of 'The Canada Railway Loan Act, 1867,' to the redemption of a portion of the debt of the Canadian Dominion is contrary to the in-

SUPPLY—Committee—*continued.*

tention of that Act; and that no further guarantee should be given by the Commissioners of Her Majesty's Treasury under the above Act, except in such form and manner as shall ensure the direct application of the money so guaranteed to the construction of the Intercolonial Railway,"—(*Mr. Sinclair Aytoun,*)—instead thereof 1445

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee.

(In the Committee.)

(1.) £91,045, to complete the sum for Post Office and Inland Revenue Buildings.—After short debate, Vote *agreed to* .. .. .. .. 1456
(2.) £58,475, to complete the sum for Harbours of Refuge.—After short debate, Vote *agreed to* .. .. .. .. .. 1456
(3.) £3,300, to complete the sum for Portland Harbour.—Vote *agreed to* .. 1457
(4.) £7,000, to complete the sum for Metropolitan Fire Brigade.
(5.) £19,839, to complete the sum for rates on Government Property.—After short debate, Vote *agreed to* .. .. .. .. 1457
(6.) £1,800, to complete the sum for Wellington Monument.
(7.) £267, to complete the sum for Palmerston Monument.
(8.) Motion made, and Question proposed, "That a sum, not exceeding £95,455, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland" .. .. 1460
Motion made, and Question proposed, "That a sum, not exceeding £87,667, &c."—(*Mr. Candlish.*)—After short debate, Motion, by leave, *withdrawn*:—Original Question put, and *agreed to* .. .. .. .. .. 1463
(9.) £2,362, to complete the sum for Ulster Canal.
(10.) £26,810, to complete the sum for Lighthouses Abroad.—After short debate, Vote *agreed to* .. .. .. .. .. 1463
(11.) Motion made, and Question proposed, "That a sum, not exceeding £687, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Maintenance and Repairs of Embassy Houses Abroad" .. .. 1463
After short debate, Motion made, and Question proposed, "That the Item of £185, for Salary of the Clerk of the Works in charge (including allowance for Lodging), be omitted from the proposed Vote,"—(*Mr. Hibbert*) .. .. .. 1466
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(12.) £37,585, to complete the sum for Embassy Houses, and Consular Buildings, Constantinople, China, Japan, and Tehran.—After short debate, Vote *agreed to* .. 1468
(13.) £31,438, to complete the sum for House of Lords Offices.—After short debate, Vote *agreed to* .. .. .. .. .. 1474
(14.) £36,482, to complete the sum for House of Commons Offices.—After short debate, Vote *agreed to* .. .. .. .. 1476
(15.) £39,275, to complete the sum for Treasury and Subordinate Departments.—After short debate, Vote *agreed to* .. .. .. .. 1478
(16.) £57,696, to complete the sum for Home Office and Subordinate Departments.—After short debate, Vote *agreed to* .. .. .. 1480

*Moved,* "That the Chairman report Progress,"—(*Mr. Vance.*)

Motion *agreed to*:—Resolutions to be reported *To-morrow,* at Two of the clock; Committee to sit again *To-morrow.*

**Valuation of Property (Metropolis)** (*re-committed*) **Bill** [Bill 100]—
Bill *considered* in Committee .. .. .. .. 1482
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**Public Works (Ireland) Bill**—*Ordered* (*Mr. Ayrton, Mr. Chancellor of the Exchequer*); *presented,* and read the first time [Bill 202] .. .. .. 1483

**Clerk of Assize Bill**—*Ordered* (*Mr. Ayrton, Mr. Chancellor of the Exchequer*); *presented,* and read the first time [Bill 203] .. .. .. .. 1483

**Warehousing of Wines and Spirits, &c. Bill**—*considered* in Committee :—Resolution *agreed to*, and *reported* :—Bill *ordered* (*Mr. Stansfeld, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 201] .. .. .. 1483

## LORDS, FRIDAY, JULY 9.

**Irish Church Bill** (No. 172)—

Amendments *reported* (according to Order) .. .. .. 1484
Clause 2 (Dissolution of legislative union between Churches of England and Ireland) .. .. .. .. 1489
Clause 10 (Prohibition of future appointments) .. .. 1489
Clause 12 (Church property vested in Commissioners under Act) .. 1490
Clause 69 (Ultimate trust of surplus) .. .. .. 1490
Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords) .. .. .. 1493
Clause 14 (Compensation to ecclesiastical persons other than curates) .. 1500
Clause 21 (Existing law to subsist by contract) .. .. 1502
Clause 27 (Enactments with respect to burial grounds) .. .. 1503
Clause 28 (Enactments with respect to ecclesiastical residences) .. 1504
Division List, Contents and Not-Contents .. .. 1513
Clause 30 (Enactments with respect to private endowments) .. 1517

After long debate, Amendments made: Bill to be read 3ª on *Monday* next, and to be *printed*, as amended. (No. 182.)

## COMMONS, FRIDAY, JULY 9.

JEWS IN ROUMANIA—Question, Mr. Alderman Salomons; Answer, Mr. Otway .. .. .. .. .. 1524

CANADA—HUDSON'S BAY COMPANY—Question, Sir Harry Verney; Answer, Mr. Monsell .. .. .. .. .. 1526

INSOLVENT DEBTORS AND BANKRUPTCY REPEAL [RE-PAYMENT OF UNCLAIMED DIVIDENDS]—Resolution *reported* .. .. 1526
After short debate, Resolution *agreed to*.

**Insolvent Debtors' and Bankruptcy Repeal** (*re-committed*) **Bill**
Bill *considered* in Committee .. .. .. .. 1527
After short time spent therein, Bill *reported;* as amended, to be considered on *Monday* next.

**Contagious Diseases (Animals) (No. 2)** (*re-committed*) **Bill** [Bill 103]
Bill *considered* in Committee. [*Progress 6th July*] .. .. 1528
After short time spent therein, Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—
LAW OF FORFEITURE ON CONVICTION OF FELONY—Question, Mr. C. Forster; Answer, The Attorney General .. .. .. 1542
ARREST OF MR. MURPHY AT BIRMINGHAM—Question, Mr. Newdegate; Answer, Mr. Bruce .. .. .. .. 1542
CENTRAL ASIA—Question, Observations, Mr. Eastwick; Reply, Mr. Grant Duff :—Debate thereon .. .. .. .. 1544
PARLIAMENT—THE LADIES' GALLERY—RESOLUTION—
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the grating in front of the Ladies' Gallery should be removed,"—(*Mr. Herbert*,)—instead thereof .. .. 1582
Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

SUPPLY—Committee—*continued.*

PARTY PROCESSIONS (IRELAND) ACT—Question, Mr. Downing; Answer, Mr. Chichester Fortescue:—Short debate thereon .. .. 1588

RECENT CHARGE OF FURIOUS RIDING IN HYDE PARK—Observations, Captain White; Reply, Mr. Bruce:—Short debate thereon .. .. 1591

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn:*—Committee *deferred* till *Monday* next.

**Roads and Bridges (Scotland) Bill**—*Ordered* (*The Lord Advocate, Mr. Solicitor General for Scotland*); *presented,* and read the first time [Bill 207] .. .. 1592

**Drainage and Improvement of Lands (Ireland) Act (1863) Amendment Bill**—*Ordered* (*Mr. Ayrton, Mr. Chancellor of the Exchequer*); *presented,* and read the first time [Bill 208] .. .. .. .. .. 1592

**Cinque Ports Act Amendment Bill**—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 206] .. .. 1592

**Heritable Rights Bill**—*Ordered* (*The Lord Advocate, Mr. Solicitor General for Scotland*); *presented,* and read the first time [Bill 204] .. .. 1593

## LORDS, MONDAY, JULY 12.

SCHOOL OF MUSKETRY AT HYTHE—ADDRESS FOR A REPORT ON SANITARY STATE—

*Moved,* "That an humble Address be presented to Her Majesty for a Report on the sanitary state of the School of Musketry at Hythe, the number of officers reported sick between the 1st of March and the 30th of April 1869, and cost of maintaining the establishment of the School of Musketry there for one year,"—(*The Lord Kinnaird*) .. 1594

After short debate, Motion *agreed to.*

**Irish Church Bill** (No. 182)—

*Moved,* "That the Bill be now read 3ª,"—(*The Earl Granville*) .. 1595

Amendment *moved,* to leave out ("now") and insert ("this day three months,")—(*The Earl of Clancarty.*)

After debate, Amendment (by leave of the House) *withdrawn:*—The original Motion *agreed to:*—Bill read 3ª accordingly, with the Amendments.

After further long debate, Amendments made.

Division Lists, Contents and Not-Contents .. 1623, 1657

On Question, That the Bill do pass? objected to; on Question, *agreed to;* Bill *passed* accordingly, and sent to the Commons.

PROTESTS THEREON—

*Against the Third Reading of the Bill* .. .. .. 1661

*Against the Passing of the Bill* .. .. .. 1662

**Seamen's Clothing Bill** [H.L.]—*Presented* (*The Earl of Camperdown*); read 1ª (No. 189) .. .. .. .. .. 1663

## COMMONS, MONDAY, JULY 12.

POLICE CONSTABLES—Question, Mr. H. B. Sheridan; Answer, Mr. Bruce .. 1663

EGYPT—SUEZ CANAL—Question, Mr. Gourley; Answer, Mr. Otway .. 1664

IRELAND—RIOT AT PORTADOWN—Question, Sir Thomas Bateson; Answer, Mr. Chichester Fortescue .. .. .. .. 1665

IRELAND—PROCLAMATION OF DUNDALK AND LOUTH—Question, Mr. Callan; Answer, Mr. Chichester Fortescue .. .. .. 1666

HONG KONG—GAMBLING HOUSES—Question, Colonel Sykes; Answer, Mr. Monsell .. .. .. .. .. 1667

OYSTER DREDGING—Question, Mr. Blake; Answer, Mr. Bright .. 1667

IRELAND—PROCLAMATION OF LONDONDERRY—Question, Sir Hervey Bruce; Answer, Mr. Chichester Fortescue .. .. .. 1667

IRELAND—USE OF FIREARMS BY THE IRISH CONSTABULARY—Question, Mr. Vance; Answer, Mr. Chichester Fortescue .. .. 1668

ARMY—CRIMEAN PRIZÉ MONEY—Question, Colonel North; Answer, Mr. Ayrton .. .. .. .. .. 1669

PARLIAMENT—PUBLIC BUSINESS—Question, Mr. Crawford; Answer, Mr. Gladstone .. .. .. .. .. 1669

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

METROPOLIS—NEW PUBLIC OFFICES—Observations, Mr. Goldney; Reply, Mr. Layard:—Short debate thereon .. .. 1669

FOREIGN OFFICE—UNPAID ATTACHES—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the unpaid Attachés in the Diplomatic Service are entitled to salaries equal to those now given to the Junior Clerks in the Foreign Office,"—(*Mr. William Lowther,*)—instead thereof .. .. 1672

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee.

(In the Committee.)

(1.) £47,413, to complete the sum for the Foreign Office.—After short debate, Vote *agreed to* .. .. .. .. .. 1677

(2.) £23,884, to complete the sum for the Colonial Office.

(3.) £27,413, to complete the sum for the Privy Council Office and Departments.

(4.) £68,033, to complete the sum for the Board of Trade and Departments.—After short debate, Vote *agreed to* .. .. .. .. 1680

(5.) £1,921, to complete the sum for the Privy Seal Office.

(6.) £13,265, to complete the sum for the Charity Commission.—After short debate, Vote *agreed to* .. .. .. .. .. 1683

(7.) £6,694, to complete the sum for the Civil Service Commission.

(8.) £13,281, to complete the sum for the Copyhold, Inclosure, and Tithe Commission. —After short debate, Vote *agreed to* .. .. .. 1684

(9.) £7,000, to complete the sum for the Inclosure and Drainage Acts Expenses.

(10.) £25,324, to complete the sum for the Comptroller and Auditor General's Department.

(11.) £28,060, to complete the sum for the General Register Office.—After short debate, Vote *agreed to* .. .. .. .. 1684

(12.) £3,000, to complete the sum for the Lunacy Commission.—After short debate, Vote *agreed to* .. .. .. .. .. 1685

(13.) £30,550, to complete the sum for the Mint.

(14.) £11,110, to complete the sum for the National Debt Office.

(15.) £23,669, to complete the sum for the Patent Office.—After short debate, Vote *agreed to* .. .. .. .. .. 1685

(16.) £13,417, to complete the sum for the Paymaster General's Office.

(17.) £176,762, to complete the sum for the Poor Law Commission.—After debate, Vote *agreed to* .. .. .. .. .. 1686

(18.) £14,624, to complete the sum for the Record Office.—After short debate, Vote *agreed to* .. .. .. .. .. 1693

(19.) £3,009, to complete the sum for the Public Works Loan and West India Islands Relief Commissions.

(20.) £1,684, to complete the sum for the Registrars of Friendly Societies.

(21.) Motion made, and Question proposed, "That a sum, not exceeding £264,135, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Stationery, Printing, Binding, and Printed Books for the several Public Departments, and for Stationery, Printing, Binding, and Paper for the two Houses of Parliament, including the Salaries and Expenses of the Stationery Office" .. 1693

After debate, Motion made, and Question proposed, "That a sum, not exceeding £263,185, &c.,"—(*Mr. Miller*) .. .. .. .. 1700

Question put:—The Committee *divided;* Ayes 35, Noes 110; Majority 75:—Original Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued.*

(22.) Motion made, and Question proposed, "That a sum, not exceeding £18,227, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, and of the Office of Land Revenue, Records, and Inrolments" .. .. 1701

After short debate, Motion made, and Question proposed, "That a sum, not exceeding £18,084, &c.,"—(*Sir Patrick O'Brien*) .. .. .. 1704

After further short debate, Motion, by leave, *withdrawn*:—Original Question put, and *agreed to.*

(23.) Motion made, and Question proposed, "That a sum, not exceeding £18,722, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings" .. .. .. 1705

After short debate, Motion made, and Question proposed, "That a sum, not exceeding £16,722, &c.,"—(*Mr. Craufurd*) .. .. .. .. 1709

After further short debate, Question put, and *negatived*:—Original Question put, and *agreed to.*

(24.) £18,000, Foreign and other Secret Services.—Vote *agreed to* .. .. 1710

(25.) Motion made, and Question proposed, "That a sum, not exceeding £4,317, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue" .. 1710

After short debate, Motion made, and Question proposed, "That the Item of £217 13*s.*, for Queen's Plates, be omitted from the proposed Vote,"—(*Mr. Lusk*) .. 1710

After further short debate, Question put:—The Committee *divided*; Ayes 73, Noes 191; Majority 118:—Original Question put, and *agreed to.*

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Wednesday.*

**Parochial Schools (Scotland) Bill** (*Lords*) [Bill 164]—

*Moved*, "That the Bill be now read a second time,"—(*The Lord Advocate*) 1711

After debate, Bill read a second time, and *committed* for *To-morrow.*

**Nitro Glycerine Bill**—

*Considered* in Committee .. .. .. .. 1736

*Resolved*, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to prohibit for a limited period the importation and to restrict and regulate the carriage of Nitro Glycerine,"—(*Sir John Hay.*)

Resolution *reported*:—Bill *ordered* (*Sir John Hay, Mr. Alderman Lawrence, Mr. Graves*); *presented*, and read the first time [Bill 211.]

## LORDS, TUESDAY, JULY 13.

PORTADOWN INQUEST—Observations, The Duke of Manchester; Reply, Lord Dufferin .. .. .. .. 1737

**Education of Children Bill** (No. 88)—

*Moved*, "That the Bill be now read 2ª,"—(*The Marquess Townshend*) .. 1738

Amendment *moved*, to leave out ("now") and insert ("this day three months,")—(*The Lord President.*)

On Question, That ("now") stand part of the Motion?—*Resolved* in the *Negative*; and Bill to be read 2ª on *this day three months.*

**Infant Life Preservation Bill** (No. 89)—

Order of the Day for the Second Reading, read .. .. 1739

After short debate, Order *discharged*:—Bill *withdrawn.*

**Bishops Resignation Bill** (No. 171)—

*Moved*, "That the Bill be now read 2ª,"—(*The Archbishop of Canterbury*) 1740

After debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

**Charity Commissioners Bill** (No. 170)—
*Moved*, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1748
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

**Special Bails Bill** (No. 166)—
*Moved*, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1749
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

**Assessed Rates Bill** (No. 174)—
*Moved*, "That the Bill be now read 2ª,"—(*The Lord Privy Seal*) .. 1750
After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

SCOTCH SALMON FISHERY ACT, 1862—Question, Lord Abinger; Answer, The Earl of Morley .. .. .. .. 1753

**Queen Anne's Bounty Bill** [H.L.]—*Presented* (*The Lord Archbishop of Canterbury*); read 1ª (No. 185) .. .. .. .. 1753

## COMMONS, TUESDAY, JULY 13.

CLEARING VESSELS AT THE CUSTOM HOUSE—Question, Mr. Graves; Answer, Mr. Ayrton .. .. .. .. .. 1754

METROPOLIS — ST. PANCRAS WORKHOUSE—Question, Colonel Barttelot; Answer, Mr. Goschen .. .. .. .. 1754

**Contagious Diseases (Animals) (No. 2)** (*re-committed*) **Bill** [Bill 103]
Bill *considered* in Committee [*Progress 9th July*] .. .. 1755
After some time spent therein, Bill *reported;* as amended, to be considered upon *Friday*, and to be *printed.* [Bill 212.]

MALTA—RESOLUTION—*Moved*,
"That, in the opinion of this House, it is expedient, in accordance with pledges given in the name of the Sovereign, to restore to the people of Malta, with such modifications as present circumstances may require, their ancient representative institution, the 'Congresso Popolare;' to re-establish the 'Executive Council' as a distinct body, aiding the Governor in administering the Civil Affairs of the Island; and, reverting to the policy abandoned in 1859, to sever the office of 'Civil Governor' from that of 'Commander of the Forces,'"—(*Mr. Robert Torrens*) .. .. .. 1774
After short debate, Motion, by leave, *withdrawn*.

CHINA (TREATY OF TIEN-TSIN)—MOTION FOR PAPERS—*Moved*,
"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of the Memorial of the Chamber of Commerce at Shanghai to Sir Rutherford Alcock, and his Reply to the Memorial addressed to Consul Medhurst, dated the 23rd day of March last:
And, of all Correspondence of the Foreign Office with Sir Rutherford Alcock on the subject of the renewal of the Treaty of Tien-tsin,"—(*Colonel Sykes*) .. 1779
After debate, Motion, by leave, *withdrawn*.

HOUSE TAX—RESOLUTION—*Moved*,
"That the House Tax ought to be abolished because it imposes injurious and unnecessary restrictions upon the erection of dwellings for the Working Classes, and because the Tax presses very unequally upon different classes of the community, and falls most heavily upon persons of moderate income,"—(*Mr. Alderman W. Lawrence*) .. 1802
After short debate, Motion, by leave, *withdrawn*.

CATTLE PLAGUE (CHESHIRE)—RESOLUTION—*Moved*,
"That, in the opinion of this House, the distress occasioned by the Cattle Plague to the Ratepayers of the county of Chester entitles them to the favourable consideration of Her Majesty's Government, with a view to some remission of the heavy debt incurred for the amount of compensation,"—(*Earl Grosvenor*) .. .. 1807
After debate, Question put:—The House *divided;* Ayes 85, Noes 126; Majority 41.

PACKET AND TELEGRAPH CONTRACTS—RESOLUTION—

*Moved,* That the first Resolution of the House of the 24th of July, 1860—

"That in all Contracts extending over a period of years, and creating a public charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been laid upon the Table of the House of Commons for one Month without disapproval, unless, previous to the lapse of that period, it has been approved of by a Resolution of the House,"

be read and rescinded; and in lieu thereof, that it be resolved—

"That in all Contracts extending over a period of years and creating a public charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been approved of by a Resolution of the House,"—(*The Marquess of Hartington*) .. .. 1818

Motion *agreed to.*

*Ordered,* That the said Resolution, and the Resolutions of the House of the 24th July 1860, be Standing Orders of this House.

**Metropolitan Building Act (1855) Amendment Bill**—*Presented,* and read the first time [Bill 214] .. .. .. .. .. 1819

**Trades Unions (Protection of Funds) Bill**—*Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*); *presented,* and read the first time [Bill 216] .. .. 1819

## COMMONS, WEDNESDAY, JULY 14.

STILL-BORN CHILDREN—Question, Dr. Brewer; Answer, Mr. Bruce .. 1819

METROPOLIS—ST. PANCRAS WORKHOUSE—Question, Dr. Brewer; Answer, Mr. Goschen .. .. .. .. 1820

**Real Estate Intestacy Bill** [Bill 45]—

*Moved,* "That the Bill be now read a second time,"—(*Mr. Locke King*) .. 1820

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Beresford Hope:*)—After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 169, Noes 144; Majority 25:—Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Wednesday* next.

**Public Schools Act (1868) Amendment Bill**—*Ordered* (*Mr. Secretary Bruce, Mr. Solicitor General*); *presented,* and read the first time [Bill 217] .. .. 1864

## LORDS, THURSDAY, JULY 15.

**Children, &c. Protection Bill** (No. 84)—

*Moved,* "That the Bill be now read $2^{a}$,"—(*The Marquess Townshend*) .. 1864

Amendment *moved* to leave out ("now") and insert ("this day three months,")—(*The Earl of Airlie.*)

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative;* and Bill to be read $2^{a}$ on *this day three months.*

**Endowed Schools Bill** (No. 139)—

*Moved,* "That the House do now resolve itself into a Committee,"—(*The Lord President*) .. .. .. .. 1866

After debate, Motion *agreed to:*—House in Committee accordingly .. 1875

After some time spent therein, the Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed,* as amended. (No. 192.)

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COMMONS, THURSDAY, JULY 15.

SCOTLAND — TRUCK ACT — Question, Sir David Wedderburn; Answer, Mr. Bruce .. .. .. .. .. 1885

SCOTLAND — WATERNISH CHURCH, ISLE OF SKYE—Question, Mr. Miller; Answer, Mr. Bruce .. .. .. .. 1886

REPAIRS OF BRIDGES—Question, Sir Herbert Croft; Answer, Mr. Knatchbull-Hugessen .. .. .. .. .. 1886

PARLIAMENTARY RETURNS—Question, Mr. Peek; Answer, Mr. Ayrton .. 1887

REGISTRATION OF VOTERS — Question, Mr. Collins; Answer, Mr. Vernon Harcourt .. .. .. .. .. 1887

ARMY—COLONELS IN THE INDIAN ARMY—Question, Colonel North; Answer, Mr. Cardwell .. .. .. .. 1888

THE WEST INDIES—Question, Sir Charles Adderley; Answer, Mr. Monsell 1889

MR. GLADSTONE AND THE INDEPENDENT ORANGE ASSOCIATION—Question, Mr. Henniker-Major; Answer, Mr. Gladstone .. .. 1890

POOR LAW—NARBERTH UNION—TREATMENT OF REFRACTORY VAGRANTS—Question, Mr. P. A. Taylor; Answer, Mr. Goschen .. .. 1890

**Irish Church Bill** [Bill 209]—

Lords' Amendments *considered* .. .. .. 1891

After long debate, Further Consideration of Lords' Amendments *deferred* till *To-morrow.*

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# LORDS.

## NEW PEERS.

FRIDAY, JULY 2.

Lord Rollo of that part of the United Kingdom called Scotland, having been created Baron Dunning of the United Kingdom—Was (in the usual manner) introduced.

## SAT FIRST.

MONDAY, JUNE 21.

The Lord Hawke, after the Death of his Brother.

TUESDAY, JUNE 22.

The Lord Stuart of Castle Stuart, after the Death of his Father.

MONDAY, JUNE 28.

The Lord Ashburton, after the Death of his Father.

THURSDAY, JULY 1.

The Lord Stanley of Alderley, after the Death of his Father.

## REPRESENTATIVE PEERS. (*Writs and Returns.*)

THURSDAY, JULY 8.

The Earl of Kellie (*for* Scotland), Certificate read.
The Earl of Bantry (*for* Ireland), *v.* The Earl of Wicklow, deceased.

# COMMONS.

## NEW MEMBER SWORN.

THURSDAY, JUNE 17.

*Nottingham Town*—Charles Seely, the younger, esquire.

# HANSARD'S

# PARLIAMENTARY DEBATES,

IN THE

*First Session* of the *Twentieth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 10 December, 1868, in the
Thirty-Second Year of the Reign of

## HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

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## HOUSE OF LORDS,

*Thursday*, 17*th June*, 1869.

MINUTES.]—Public Bills—*First Reading*—Pier and Harbour Orders Confirmation* (134). *Second Reading*—Irish Church (109), *debate adjourned;* Oyster and Mussel Fisheries Supplemental*(129); Exchequer Bonds (£2,300,000)*; Sea Fisheries Act (1868) Supplemental* (132).

### MR. BRIGHT'S LETTER.—QUESTION.

LORD CAIRNS: My Lords, the Question which I am about to put to the noble Earl the Secretary of State for the Colonies is one which, in some degree, connects itself with the debate which is about to be resumed; but I have thought that it would be more consistent with the gravity of that debate, and at the same time more fair towards Her Majesty's Government, if I were to endeavour, so far as I am concerned, to disconnect the subject-matter of that Question from the debate itself. My Lords, anyone who has watched the progress of the debate up to the present time cannot fail to have been struck with one circumstance—namely, the strong sense of responsibility under which every speaker upon each side of the House appeared to feel with respect to the course which he was about to take. My Lords, in determining the course to be taken upon any public question which may come to be decided by your Lordships, it is natural to feel considerable anxiety, even when nothing more has to be considered than the abstract merits of the question itself. But when, in addition to the abstract merits of the question, we find that the decision at which we may arrive may not be in unison with the expressed determination of the other House of Parliament, the situation becomes one of much graver magnitude and anxiety. My Lords, the first condition, as it appears to me, towards the exercise of the task which we have then to undertake is that every bearing of the question to be decided should be apprehended and considered by minds free from passion and from prejudice; and, above all, free from any appearance of pressure, except the pressure which arises from the overwhelming sense of public duty. Now, if there be any quarter to which we may more rightly look than another for aid in the discharge of this task, under these conditions, it is, I think, to Her Majesty's Government. It is for them to endeavour, as far as possible both by the character and by the conduct of the legislation they propose, to secure the harmonious working of the two Houses of Parliament; and if there be one thing which, more than another, would be calculated to mar or to thwart that harmonious working, it would be any attempt to represent to this House that its deliberations should be influenced, not by reason or persuasion—not by the merits of the question or by those considerations of public policy and expediency properly attaching to it—but by some selfish and timid apprehensions as to our personal interests, or under the pressure of menaces as to our safety as an institution. My Lords, on this score I certainly have no complaint to make of the noble Earl opposite the Secretary for the Colonies. Some nights ago a noble Lord on this side of the House (Lord Bateman) proposed a Question—which I believe in point of form was not actually put—which led to some observations from the noble Secretary of State. Referring to the statement of the noble Lord that he had seen the noble Earl that day on the subject, the noble Earl said—

> "I told him I could quite understand the anxiety which every Member of the House must feel with respect to the precise position in which they stood with regard to the Irish Church Bill, and I could also understand the wish of noble Lords for some information with regard to the threats to which he has referred as having been held out towards this House in case your Lordships should think proper to adopt a certain policy. I have seen those threats quoted in some detail in speeches made out-of-doors; but I am utterly unaware of any foundation there can possibly be for them. I shall not answer the noble Lord's question now, but I shall take an opportunity, on Monday, of explaining to the House in a manner which I trust will be satisfactory to any reasonable man, that Her Majesty's Government neither has nor ever had any intention of departing from that proper and respectful course which it is the duty of Her Majesty's servants to follow, whether they are dealing with the House of Commons or with your Lordships' House."—[3 *Hansard*, cxcvi. 1580-81.]

That was said upon the 11th of June—I think upon Friday night of last week. And when the second reading of the Irish Church Bill came to be proposed on the Monday night following, the noble Secretary of State was charged with the duty of explaining the measure to your Lordships. I need not say that that duty was discharged with the great ability which, on all occasions, is displayed by the noble Earl, and with that conciliatory manner which, I think, on no other occasion was ever more conspicuously manifested. The noble Earl stated the details of the Bill; he insisted upon the arguments in its favour on which he was disposed to rely; he appealed to your Lordships' judgment, to your reason, to your patriotism; and on that appeal he was satisfied to rest. I repeat, therefore, that I have nothing to complain of on the part of the noble Earl opposite. But while this was going on within your Lordships' House, a somewhat different scene was being enacted out-of-doors. I think my memory serves me right when I say that my noble Friend who moved the Amendment to the Bill gave notice of his intention of so doing upon the Monday of last week. Well, a few days thereafter, a public meeting was about to be held in Birmingham for the purpose of expressing the opinion of those assembled at it upon the merits of the Irish Church Bill, and for the purpose of petitioning your Lordships' House upon the subject. A very eminent Member of the Cabinet—the President of the Board of Trade—whose name, I think, appeared upon the back of the Irish Church Bill when it was first introduced—was invited to attend that meeting, which was to be held in the borough which he represents. He was unable to attend; but, if my information is correct, he forwarded to the secretary of the meeting a letter, which, if it be correctly reported, appears obviously intended to be read at the meeting; in the first place to account for the unavoidable absence of the right hon. Gentleman, and in the second place to express his opinion as to the subject upon which the meeting intended to deliberate. I will take the liberty of reading that letter to your Lordships. It is as follows:—

> "London, June 9.
>
> "Dear Sir,—I must ask my friends to excuse me if I am unable to accept their invitation for the meeting on Monday next. The Lords are not very wise, but there is sometimes profit to the people even in their unwisdom. If they should delay the passing of the Irish Church Bill for three months they will stimulate discussion on important questions which, but for their infatuation, might have slumbered for many years. It is possible that a good many people may ask, what is the special value of a constitution which gives a majority of 100 in one House for a given

policy, and a majority of 100 in another House against it? It may be asked, also, why the Crown, through its Ministers in the House of Commons, should be found in harmony with the nation, while the Lords are generally in direct opposition to it? Instead of doing a little childish tinkering about life peerages, it would be well if the Peers could bring themselves on a line with the opinions and necessities of our day. In harmony with the nation, they may go on for a long time; but, throwing themselves athwart its course, they may meet with accidents not pleasant for them to think of. But there are not a few good and wise men among the Peers; and we will hope that their councils may prevail. I am sure you will forgive me if I cannot come to your meeting.

"JOHN BRIGHT."

Having read this letter I desire, with your Lordships' permission, to make a very slight digression before commenting further upon it. We have lately been occupied with the consideration of a Bill upon the subject of Life Peerages. When that Bill was first introduced, many Members of your Lordships' House entertained very considerable doubts with respect to its expediency. It was not a Government Bill, but it was warmly advocated by the Government. We were told by the noble Earl opposite (Earl Granville) that he attached very considerable value to the measure, and that he considered its passing would be of great importance to the public; and we were accordingly urged by him to accept the Bill with or without Amendments. Considering the uncertainty which at first prevailed in many of your Lordships' minds with respect to the expediency of that Bill, I have no doubt you were considerably influenced by this statement of the representative of the Government in this House of their opinion as to its value and expediency. Moreover, I think an observation was made to the effect that it was a somewhat dangerous experiment to send down to the other House of Parliament a Bill inviting their consent to an alteration in our constitution; and no doubt this fact also weighed with your Lordships—that the Government having approved and endorsed the Bill in this House, it would be commended to the other House by the Government, who, possessing a considerable majority in that House, might have urged it there under circumstances which ought to have led to its favourable reception. I cannot but think, therefore, that some of your Lordships must have been surprised when, after this course had been taken by the Government in this House, an eminent Member of that same Government, before the Bill had left your Lordships' House, and before even the other House could be supposed to be cognizant of its contents, rushed into the country, and before one of the most important constituencies in the kingdom proclaimed that he regards this Bill, approved of by his Colleagues in this House, as a mere bit of "childish tinkering" with our Constitution. My Lords, I do not wish to make any comment upon two of the expressions contained in the letter which I have read to your Lordships—the expressions that "the Lords are not very wise," and that the course which they intend to take is, or amounts to, "infatuation." These are matters of opinion on which I do not care to enter into any discussion. But I may be permitted to express some doubt whether a Minister of the Crown, who is responsible for the conduct of the Government in both branches of the Legislature, and from whom, as a Minister, sitting in one branch of the Legislature, some appearance, at all events, of outward respect towards all branches of the Legislature might be looked for—I say I may be permitted to express a doubt whether a Minister placed in such a position, though he may be acquitted on a charge of want of courtesy, does, by these expressions, exhibit a large share of that excellent quality the possession of which he denies to your Lordships. But, passing by any comments on the words of the letter, there appears to me to be involved in the document four statements, not the less remarkable, and not the less palpable, from the circumstance that they are stated obliquely and indirectly. These statements I shall mention to your Lordships. There is, in the first place, the statement that the Lords are generally in direct opposition to the will of the nation. There is, in the second place, the statement—obliquely if not directly made—that if the Irish Church Bill be rejected, a fair question will be raised whether the House of Peers should continue as a part of the Constitution. There is, in the third place, the statement, that the rejection of the Irish Church Bill might very possibly lead to the overthrow of the House of Lords—described by the euphemistic expression of there possibly "meeting with accidents not pleasant for them to think of."

And there is, in the fourth place, the statement — which perhaps involves a proposition more remarkable than any I have stated—that if by any means this Bill were rejected there might arise a tumult of the people. Now, my Lords, I do not comment upon these propositions. I might, indeed, be permitted to express the opinion whether the direct consequences of statements of this kind, made in this way, may not be somewhat different to that which the writer of the letter might desire, and whether some of the Members of your Lordships' House, in consequence of a letter of this kind, might not even be driven to record a vote, which otherwise you would not have recorded, against the Bill of which I have been speaking. I desire not to be misunderstood on this point. I myself am anxious in my support of the Amendment proposed by my noble Friend (the Earl of Harrowby); but I should regret if, in a matter of so great gravity, any of your Lordships should, by reason of the menaces contained in this letter, be deterred from voting for the Amendment; and I should regret—even more—if it were to happen that by that species of recoil, which frequently arises in generous minds, in consequence of this letter, a single vote should be recorded in favour of the Amendment which would not otherwise have been given to it. But the question which I put to myself is this—Are these expressions, and is this a letter, which ought to have been written by a Cabinet Minister of the Crown? I maintain that they are not. I maintain that no letter of a similar kind has ever before emanated from a Minister of the Crown. My Lords, I venture to ask you this question—If it had been the case that the President of the Board of Trade had had the honour of a seat in your Lordships' House, and if the expressions contained in his letter had fallen from him as a Minister of the Crown, would it be possible that your Lordships should have consented that the discussion upon this subject should have continued in the face of the menaces contained in this letter? My Lords, I want to know what is to be said of these expressions of a Minister of the Crown, coming from him not in debate in this or the other House of Parliament, but in a letter, not intended as a private communication, but meant as a manifesto to be read at a public meeting held for the purpose of considering the policy which was being pursued? I ask further, on what principle is the conduct of the Government to proceed with reference to this and the other House of Parliament? We all know—we recognize most gladly on both sides of this House, however, we may differ in opinion from him—not only the courtesy, but the dignity with which the conduct of the Government proceeds in the hands of the noble Earl the Secretary of State opposite. But, my Lords, I ask is the result to be this—that the Government is to be managed something like a business firm, with an affable Member within the House, who is to appeal to our reason and persuasion with bland accents in-doors, while there is out-of-doors another member of the same firm throwing all considerations of reason and persuasion to the winds, and coarsely substituting for them, as his only argument, a menace threatening our very existence? Now, that leads me to say a word as to the responsibility of any Government for the acts of one of its Members. A short time ago we had a conversation in this House with reference to some expressions upon a question of policy which had fallen from a Member of the Government—I think the same right hon. Gentleman. The defence made at that time by the Government was of this kind — It was said—"Mr. Bright has always entertained certain views of his own upon the Irish land question. The Government have not as yet announced any policy upon that subject. Mr. Bright, in the course of a debate in the other House, announced his adherence to a policy which he had recommended before. When the proper time arrives the Government will consider what policy they shall recommend, and it will then be seen whether they agree with the policy of Mr. Bright, or whether he agrees with theirs. In the meantime the discussion of the question is premature, and no Government can be held answerable for expressions which have fallen under those circumstances from one of its members." Now, I confess that although there might be a certain amount of inconvenience in the state of things so described, yet the answer of the Government was reasonably sufficient as regarded those expressions. But it is a very different matter when the question is not one of some future policy not yet presented to Par-ment, but relates to an act actually and really done by a Member of the Administration. I say it is vain to call this letter a private communication; it is a manifesto as much addressed to the public as if it were addressed to them through the medium of a debate in either House of Parliament. The joint and entire responsibility of a Government for the acts of one of its members has been so well established that if I refer to it at all it is only for the purpose of saying that, so far as I know, only one exception has been made to that responsibility; and that exception is this—that if a Member of a Government, alone and without any communication with his Colleagues, performs any particular act connected with the course of policy of the Government, and if the Government, not having known of the act before, on being informed of it, do not approve of it, and state their disapproval forthwith, it would be the height of pedantry to suppose that the responsibility of the whole Cabinet existed with regard to that act under such circumstances. But then the condition of freedom from such responsibility is this—the immediate disapproval of the act in which they are not disposed to concur. Now, that is a test, which ought, I think, to apply to the letter to which I am referring, I think that with regard that letter the Government can only take one of two courses. They may say—"We did not know of this communication; we did not authorize this manifesto; but now that we see it, we think that the expressions in it are perfectly justifiable, and the opinions contained in it are such as we are fully prepared to maintain." My Lords, I do not think the Government will take that course; but still it is a course which is open to them. If, however, that course is not taken by the Government, I maintain that there is only one other which is open to them, and that is to say—"We knew nothing of this manifesto before it was issued; we have now considered its contents; we do not agree with the expressions contained in it, or with the opinions which it represents; we repudiate both, and we stand free from all responsibility for that which we have not authorized." I venture to say that the Government must take one of these two courses, and that, if they do not take one of them, they will thereby introduce a principle which puts an end to the collective responsibility which has hitherto prevailed among Governments. It would be impossible the Government should be conducted upon the footing upon which it has hitherto been conducted, if the Government were to maintain in either House of Parliament the doctrine that one of its Members may, out-of-doors, ennunciate opinions and contend for consequences as to a policy respecting which they are not bound to state whether they approve or disapprove, and which, however serious it may be as affecting the most venerable institutions of the country, they are content to leave without any expression of approval or disapproval. My Lords, I trust we shall hear from the noble Earl opposite a repudiation of the sentiments to which I have referred; and in the hope of hearing that repudiation, I put to him the Question of which I have given notice — Whether a letter which has appeared in the public newspapers bearing the signature of the President of the Board of Trade, and read at a public meeting at Birmingham, was written by the right hon. Gentleman, and whether Her Majesty's Government concur in the expressions and opinions in that letter?

EARL GRANVILLE: The noble and learned Lord has put to me the two Questions of which he had given notice, and he has also been good enough—which I was not aware was the usual practice—to supply me with the exact answer which he wishes me to give to those Questions. I hope, however, I shall not depart from that conciliatory line which he has, with great courtesy, attributed to me if I take my own way of answering the Questions—which will be to state all that I know upon the subject—and I believe the noble and learned Lord will admit that the most willing witness cannot with propriety do more—and I will end with a declaration on the part of Her Majesty's Government. I have made it my duty to ascertain that the letter which the noble and learned Lord read *in extenso* was written by Mr. Bright. But, while admitting the correctness of the letter, I must guard myself against being bound to admit the correctness of the paraphrase which the noble and learned Lord afterwards gave of it. I think it may be satisfactory to your Lordships that I should begin by telling you all that I know, as far as the

Government is concerned, with respect to this particular Bill and their relations to your Lordships' House. I am not aware that even any independent Member has uttered in the other House any threat against your Lordships' House, although I have no doubt your Lordships remember that frequent threats were uttered to the House of Commons as to what your Lordships would do. With regard to her Majesty's Government, I do not believe that one Member of it made any allusion to your Lordships' House, with the exception of the Prime Minister, who alone, on the last stage of the Bill, in the most respectful terms, explained that he had no cause of complaint whatever against the decision of this House last year, and that he felt the greatest confidence that your Lordships now would act in a manner due to the country and to your own sense of utility and wisdom. These words, I apprehend, could not have been offensive to any one individual in your Lordships' House, unless anyone by any unfortunate accident should think at the bottom of his heart that he was going to do a useless or a foolish thing. Within the last hour the right hon. Gentleman has, I believe, had another opportunity of expressing himself upon this subject in exactly the same tone; and he added that, having received overtures from different parts of the country to answer the challenge which has been laid down by several Members of the Conservative party in great position, and to test the numbers which literally and bodily the Government could bring into the field, he had used all his influence to prevent that from occurring, especially with reference to what might in any way be considered an attempt to overawe the deliberations of your Lordships' House. I cannot help saying that that course, it appears to me, was more truly Conservative than that of those who have made so much and boasted so much of certain large assemblages in different parts of Ireland and England. My Lords, I have now stated all that I know with regard to Her Majesty's Government. I may freely state that I do not think one Member of the Government believed a fortnight ago that there was any possibility of your Lordships taking the step—which they thought unwise to the public and unwise even in a party view—of rejecting this Bill at the second reading. Rumours, however, arose about ten days ago that that was to be the result. Well, what did we do? Why, there was an unanimous opinion among the Members of the Cabinet that we had no right to presume that your Lordships might take any particular course, and that we would absolutely abstain from discussing, even among ourselves, what the line of policy should be if an event which we certainly thought would be most unfortunate, should occur. That course was not, I think, disrespectful to this House. I am not aware, moreover, that any one Member of the Cabinet has stated what, in his opinion, should be the course pursued, supposing your Lordships were to reject the second reading, with one exception—namely, Mr. Bright. Mr. Bright was pressed ten days ago to say what would happen if this Bill was rejected. I do not know whether your Lordships will care to know his answer. His answer was, that he supposed in that case there would be a Cabinet Council — an answer which appears to me the very perfection of red tape, and which strongly confirms what I have already mentioned as a fact—that we had resolved not to discuss or open the subject. With regard to the letter which the noble and learned Lord has read, I know as a fact that none of Mr. Bright's Colleagues knew that it was written before it was sent, and that the first time they had an opportunity of reading the expressions contained in it was on the day on which it appeared in the public papers. Now, I do say that this being the view of Her Majesty's Government, and that the individual Members of it being totally unacquainted with the expression of the letter, although I could give an answer which would be perfectly satisfactory to your Lordships, I think your Lordships will hardly expect me to establish the precedent that I am to answer as to the individual opinion of a Cabinet Minister on passing events, when the subject-matter has not been brought before the Cabinet, and when they have not consulted upon the matter. ["Order."] I am glad to find that Order is called, for I think it is better, when this House is taking up, with an almost sensitive feeling, an offence to itself, that we should state what we think, and that individual Members of the House should not yield to the impulses of making noises which have not much argument in them. With regard to Mr Bright, I read in the newspapers quite recently a report of a conversation of Mr. Sumner's. In that conversation Mr. Sumner, complaining of Mr. Bright, said that notwithstanding the grandeur of character of Mr. Bright, there was a "John Bullism" in him which would break out. He added that this was a quality which was not sufficient in Mr. Cobden to do any harm. Now, I venture to say that, although I am not inclined to agree generally with Mr. Sumner's opinions, I am very much inclined to agree with the opinion which he then laid down. I believe he described the character which, united with great ability, has given Mr. Bright a great hold upon public opinion; and I also believe that Mr. Bright has an amount of "John Bullism" which your Lordships, perhaps, may not have recognized, and which, I dare say, the right hon. Gentleman is himself not aware of. I cannot help thinking it possible that influenced at the time by that somewhat rash combative feeling which "John Bull" is supposed to possess, Mr. Bright —exaggerating I admit, the latitude which exists even with regard to a letter to a constituency from a person who, besides being a Member of Parliament, is a Minister of the Crown—may have felt some little desire, having been so constantly attacked in a place where he could not defend himself, at last, like a real "John Bull," to hit out in return. ["Oh, oh!"] There is another quality which I think may be attributed to his "John Bullism"—which is a frank explanation of anything he may have done; and I am now giving Mr. Bright's own interpretation of the letter which he has authorized me to make. Mr. Bright has authorized me to say that when he wrote that letter he was not acting under any feeling of indignation at any act of your Lordships as a whole; but that he did feel very much moved by the account he had heard of the proceedings and speeches at a certain meeting in St. James's Square, which has now become a matter of history. As to threats with regard to your Lordships' House, Mr. Bright distinctly repudiates having intended in his letter to convey any such threats whatever. Mr. Bright says that what he meant to convey, and believes he did convey, in that letter, was those opinions as to matters of fact and matters of judgment which he believes have since been either stated or implied in the speeches of some of the most eminent Members of your Lordships' House; and further, he has authorized me to say that if any expressions in that letter have given pain to your Lordships, collectively or individually, he regrets that pain should have been given to you, and assures you through me that it was not his intention to do so. Now, I certainly feel regret that Mr. Bright should ever have applied the word "unwisdom" to a House to which I belong. I also regret that Mr. Bright should have applied the epithet of "tinkering" to legislation which has been alluded to by the noble and learned Lord, and in which I took part—though I am very much afraid that notwithstanding the high character for conciliation which has been given me, I used almost a similar phrase in describing, as a whole, the Amendment which was at one time proposed in Committee by the noble and learned Lord. But is this my only regret? The noble and learned Lord spoke with great force, and amid the cheers of both sides of the House, of the responsibility which all who speak in this House should feel. He spoke of the delicate relations between the two Houses, and the necessity, where some difference of opinion existed, of care being taken to avoid any irritation. May I not, then, feel a little regret that the right rev. Prelate, in a speech, the brilliancy of which it is perfectly impossible to exaggerate, should have begun, at a time when the noble and learned Lord's words are so true, even before he was warmed by that great eloquence which he possesses, by saying, amid the cheers of the leading Bench opposite, that the House of Commons had "howled down" every attempt to argue against the Bill?

THE BISHOP OF PETERBOROUGH: I feel compelled to interrupt the noble Earl. I did not say that the House of Commons had "howled down" any person. What I said was, in that House certain persons were howled down. ["Oh, oh!"] That is a very different thing. I take it that the acts of the House of Commons are the collective acts of the whole body. I did not use the words "House of Commons" in my speech at all; nor did I say or mean that the House of Commons had howled any person down. I did say that certain persons in the House of Commons did howl down certain speakers.

Earl GRANVILLE: I accept any interpretation the right rev. Prelate may think fit to give of his words, and I only hope, if by chance any Members of that House should be present, it will be satisfactory to them to learn that no want of courtesy was intended to their House. But I will go further. I must also express regret that one of the most kind-hearted men in this House—the noble Earl who moved the rejection of the Bill—should have accused the party to which Mr. Bright and I belong of having been dishonest in the course which we took. I must express regret that, by a Member of the right rev. Bench, the Government to which Mr. Bright and I belong should be accused of being spoilers of the Church and robbers of the poor.

The Marquess of SALISBURY: I rise to Order. The question before the House relates to Mr. Bright's letter, and I appeal to your Lordships whether it is a convenient practice that all the hard words which have been used during the last three months should be re-produced.

Earl GRANVILLE: The noble Marquess has really enforced the point of my argument, for I think it is not desirable that we should be discussing every hard word which has been used. I think it is undesirable that we should use such words either on the one side or the other; but I must be permitted to say—and it is a matter perfectly relevant to the question which has been raised—that if I am to be called one thing or another, I should prefer being described as "tinkering" and "unwise," to being described as dishonest and a thief.

The Earl of HARROWBY: I wish to explain. I admit that, commenting on the course taken by the party now in power to prejudice Lord Mayo's suggestions for improving the position of the Roman Catholic priesthood, I asked, "Is that honest?" but I cannot see that that language is un-Parliamentary. If I used expressions which appeared to cast imputations on the Members of the Government, it was unintentionally, and I think the noble Earl should particularize the occasion and circumstances. Surely one may be permitted to describe a specific course of action as dishonest without being supposed to make a general charge of dishonesty against an individual.

Earl GRANVILLE: I have not the slightest doubt that it was perfectly unintentional on the part of my noble Friend that he used the words he did. After describing the course which the party with which I am connected took last year, he turned round to your Lordships and asked the question—"Is this, my Lords, honest?" But I entirely believe that the noble Earl had no intention of applying such a dishonourable imputation to the Government with which I am connected. Now, will your Lordships allow me to say one word as to the wisdom or unwisdom of your Lordships' House? I suppose we shall admit that where there are 400 or 500 persons, there must some of us be less wise than others; but this I will take upon myself to declare—and I believe I am not moved by any *esprit de corps* in saying it—that there is no assembly in the world which, considering that it is not specially selected for a special purpose, contains among its members more men of ability, knowledge, and experience than your Lordships' House. If there was any doubt upon the question I would venture to appeal to the debates which have been going on the last two nights, to the brilliant, original, and imaginative speeches of two right rev. Prelates, and to one of the most extraordinary expositions I ever heard or read of the principles of Protestant Christianity from another Member of the right rev. Bench. When, too, I am asked whether I agree with certain opinions, I will venture to refer to the logical argument brought forward by the noble Earl on the cross-Benches—

The Earl of DERBY: I must really rise to Order. The noble Earl will have another opportunity of replying to any observations which have been offered on this or the other side of the House. He must be aware that it is quite irregular to refer now to anything which has been said in the course of the debate.

Earl GRANVILLE: On the point of Order I yield, and I will not, therefore, state what I think are strong points, showing how perfectly justified I am with regard to my opinion of the wisdom of this House. But, at the same time, and when the noble Earl complains of me, it is rather strange that the noble and learned Lord should not only have been allowed to ask a Question, but to preface it by a speech of twenty-five minutes, and that in answering that speech, from my point of view, I should be repeatedly called to Order and interrupted. I will not, however, refer to what I was going to say, and which I believe it would not have been disagreeable to your Lordships to hear. I remember fourteen or fifteen years ago—this reference I wish to make, because it has some bearing on my present point—that the financial policy of an eminent Member of the other House was perpetually attacked by a noble Lord who is not now present, and that he was reminded that it would have been more convenient if some of those attacks had been made in a place where the person attacked could have defended himself. Now, I cannot but think that a course has been taken this Session to which the same remark would apply. I do not, however, complain of the noble and learned Lord having put this Question, for I think it must be agreeable to your Lordships, as it is satisfactory to me, that I should have another opportunity of most emphatically declaring, as I declared the other night—not as an individual Peer, nor as an individual Member of the Government, but speaking with authority for the whole of Her Majesty's Government—that we utterly repudiate any notion of menace or threats to this House; though I entirely agree with the noble and learned Lord that, whether those menaces should come from us or from parties having strong influence in the sister country, your Lordships' line is to follow only that course of duty which your consciences may dictate.

EARL GREY: I think the House has good ground of complaint both against the noble and learned Lord and my noble Friend, for departing from the ordinary rules of its procedings; and the character of the discussion is still more to be regretted, for I entirely concur with the noble Marquess (the Marquess of Salisbury) as to the irregularity of references to what has happened in former debates. It was natural that the noble and learned Lord should ask whether the Government approved the letter which had been written by one of its Members; but I wish he had done so without a preface, which has led to a long reply, and a reply which has ended without containing that which, I confess I had hoped for, and we had a right to look for—a statement that Her Majesty's Government, as a body, decidedly disapprove a letter which—I cannot forbear from saying, is, in my judgment, in the highest degree indecorous and improper for a Minister of the Crown to have written.

## IRISH CHURCH BILL—(No. 109.)

(*The Earl Granville.*)

SECOND READING.

DEBATE RESUMED. [THIRD NIGHT.]

Order of the Day for resuming the Debate on the Amendment to the Motion for the Second Reading—which Amendment was to leave out ("now") and insert ("this day three months")—(*The Earl of Harrowby*)—read.

Debate *resumed* accordingly.

THE EARL OF DERBY: My Lords, I trust your Lordships will now address yourselves to the discussion of the important question now before you with that calmness and deliberation which you are accustomed to give to all great questions. I am grateful for being allowed the opportunity of speaking on a question in which I have taken so much interest for so long a period of time at an hour when, though I feel how incapable I am at any time of doing justice to the subject itself, or to my own deep feeling upon it, I am rather less incapable than I should be at any later period of the evening. Even now, I feel some difficulty in addressing your Lordships while there are still ringing in my ears, as, I doubt not, in those of your Lordships, the words of the right rev. Prelate (the Bishop of Peterborough), who on Tuesday night kept your Lordships entranced in rapt attention to a speech containing within itself the most cogent and most conclusive arguments upon the merits of the question, while its fervid eloquence and impassioned and brilliant language have never in my memory been surpassed, and rarely equalled, during my long Parliamentary experience. I do not pretend to imitate the eloquence and power of the right rev. Prelate; but I wish to lay before your Lordships, in plain and simple language, the grounds upon which I object, not alone to the details, but to the main principle and substance of the Bill before you. I can assure your Lordships that if this question had been one merely of expediency or of policy—nay, if it had been an experiment, which if proved unsuccessful you might retrace—I should have been disposed, however much I might have doubted its expediency and policy, to bow my individual judgment to the opinion of that large majority which, in the other House of Parliament, has supported the Ministers of the Crown at every stage of this Bill. But when we are called upon to decide a question of which I think I may say that in the course of the present century there has been none of greater moment or fraught with more important consequences to ourselves and to posterity—when the question involves a complete revolution in the Constitution of this country—when it is one which strikes at the very root of property of all descriptions and shakes the confidence of the country—when it is one which if you once adopt and hastily accept you can by no possibility recall—then I venture to say it is a question on which it is your bounden duty neither to listen to the *civium ardor prava jubentium*, nor to the *vultus instantis tyranni*, personified by the most imperious, absolute, and at the same time most erratic Minister who has ever swayed the destinies of this country. It is not very long since the noble Earl at the table (Earl Russell)—and many of his Colleagues agreed with him—expressed the opinion that a Bill for the absolute disestablishment and disendowment of the Irish Church could not be carried without the horrors of a revolution; and the noble Earl added that if a Bill of that description came up to your Lordships' House it would be your bounden duty to reject it. I entertain the same opinion. When I speak of a revolution, I speak of a bloodless revolution—of an entire social revolution. I speak of a revolution that will make an entire change in the feeling and habits of the people. I speak of a revolution that will seriously affect the relations between town and country—a revolution which at the present moment, instead of being the message of peace and conciliation which the noble Earl (Earl Granville) contended it would be, has kindled to a degree beyond all possible conception the strongest feelings of anger and animosity—which has been a sword sent to Ireland and placed in every man's hand, so that a man's nearest neighbours have been converted into his deadliest enemies. My Lords, that revolution, you may depend upon it, is in progress, and God knows when it will cease. Is it possible that your Lordships can conceive what will be the feelings of the Protestants of Ireland when they find themselves, as they assuredly will, if this Bill should pass, not only injured but insulted; when they find themselves betrayed by their reliance on your protection, and thrown over by you in a matter where their fondest hopes and dearest interests are so deeply concerned? Can you expect that those men will still retain for the Parliament of England that loyalty, that attachment, and that devotion to the cause of the Union between the two countries which has so long characterized them, and—whatever imprudence a portion of them may have been chargeable with at times—that loyalty and that affection towards the Crown and people of England from which they have not for a single moment faltered? My Lords, may I venture upon an illustration of a very simple kind, with which all your Lordships are probably acquainted, and which none of your Lordships can have read without having been touched by its simple pathos. Its language represents the feelings of a poor gipsy when she and her tribe were driven out from the homes in which they had for many years found a shelter, and driven out by a man to whom they had long looked for protection—a protection which they had repaid with the most affectionate devotion. Hear the language in which that poor woman addressed the former protector, but now oppressor of herself and her tribe. The noble Duke opposite (the Duke of Argyll) will, perhaps, excuse me if I fail in giving the right accent—

> "Ride your ways, Laird of Ellangowan! Ride your ways, Godfrey Bertram! This day have ye quenched seven smoking hearths; see if the fire in your ain parlour burn the blyther for that. Ye have riven the thack off seven cottar houses—look if your ain roof-tree stand the faster. . . . There's thirty hearts there that wad hae wanted bread ere ye had wanted sunkets, and spent their life blood ere ye had scratched your finger."

My Lords, it is with sentiments like these—with sorrow, but with resentment—that the Protestants of Ireland may look upon you—from whom they expected protection, a protection which they repaid with most faithful loyalty, when they now find you laying upon them the heavy hand of that which I must consider an undeserved oppression. They may say—"Go your way, ye Ministers of England! Ye have this day, so far as in you lay, quenched the light of spiritual truth in 1,500 parishes. See if your own Church stand the faster for that. There are not seven, not thirty, but 700,000 hearts and 700,000 more, though not of our own communion, who have connected themselves with you in the loyal attachment to the Sovereign for the sake of that Protestant religion which you both profess—who in defence of that Union which you induced them to form would have shed their dearest life-blood, but now find that from you, to whom they looked for protection, they meet with oppression." Remember who these men are. These are the men whom you invited to settle on the soil of Ireland, for the establishment and support of the Protestant religion. These are the men who, at the time of the sorest trial of the Crown of England, came forward to support William the Deliverer, and who at the battle of the Boyne vindicated the freedom of Ireland and the rights of the Protestant religion. These are the men who, invited by you to settle in Ireland, converted Ulster from a barren waste into a thriving province, and who, by their energy, their industry, by their loyalty, and by their steady conduct, have made the Province of Ulster not only the garden of Ireland, but the most gratifying and wonderful contrast to those parts of Ireland in which the influence of the Protestant religion does not prevail. Was it, my Lords, at their desire that they abandoned their independence and constituted themselves a portion of this Empire? No, my Lords, it was at the earnest solicitation of England. It was for Imperial objects that they were persuaded to abandon their Parliamentary independence; and when they had the game in their own hands and could have done as they pleased, they consented to be associated with you. And what was the offer you made them? The offer you made them was this—that if they consented to relinquish their independence they would be associated with this great Empire, and, above all, their Church should be firmly established, and their Protestant Establishment should be placed upon the basis, by their union with you, from which nothing could remove it. Do you think they would have consented if they had known that the very step which you induced them to take as a means of promoting and supporting the interests of their Church would be made the means of their destruction? You have led them forward by vain expectations, and by the most solemn promises guaranteed by treaty, and at the expiration of seventy years—a comparatively short period in the history of nations—you make the very Act upon which they depended as the support and maintenance of their religion the means of destroying it. My Lords, I heard with regret that portion of the speech of the right rev. Prelate, (the Bishop of Peterborough), in which he put aside, or, at least, laid little stress upon, the Act of Union. I cannot agree with him. I confess that, in my opinion, the Protestants of Ireland have a perfect right to look upon the Act of Union, as it was looked upon at the time, as indissoluble—an Act in which the maintenance of the Church is an essential, cardinal condition. Can you be surprised that, deceived and betrayed in this manner, the Protestants of the North should remember before all things that they are Irishmen? Dissolution of the Union between this country and Ireland would be disastrous for this country, but would be ruinous to Ireland;—yet can you feel surprised that, smarting under a sense of intolerable wrong and injustice, feeling that they have been deceived, duped, and betrayed, they should remember that, above all, they are Irishmen, and should cast in their lot with their own Roman Catholic countrymen rather than rely upon the country which has so betrayed them? Nothing can be more dangerous and more alarming than that, smarting under a sense of severe injury, men should not always take the most prudent course, and if it should so happen that the Protestants of the North and the large body of the Roman Catholics of the South should forget their internal dissensions, and agree in demanding the repeal of that Union of which you have broken the essential and cardinal conditions, I ask you, then, what means have you of enforcing a continuance of that Union, not upon this or upon that party, but upon the whole of Ireland, combined in one universal league to resist the injustice and treachery you have used? Do I contend that the Act of Union is one that can never be altered under any circumstances? By no means. No Act of Parliament is unalterable. But remember that this is not a simple Act of Parliament. It is an Act of Parliament founded upon a Treaty—that Treaty entered into between you and the Protestant Parliament of Ireland, and an Act of Parliament founded upon a Treaty can only be legitimately and justly dissolved by the consent of those who were the parties to that Treaty. Now, my Lords, apply that test in the present case. Refer it to the Protestants of Ireland, and try it by the test of their feelings. Have you got a single Protestant to say that he recommends and supports the passing of this Bill? On the contrary, they appeal to you as just and honest men to repeal that Act of Union altogether, or to adhere to the essential principles upon which that Act was founded. My Lords, it is rather remarkable that nobody in the course of these debates seems to have referred to the fact that it is not only in the Act of Union with Ireland that the support of the Irish Establishment is promised, but that in an Act of Union passed long before—in the Treaty of Union between England and Scotland—the provision is introduced that the Sovereign at his coronation shall, in the presence of his Peers, make and subscribe an Oath to maintain inviolate the settlement of the Church of England in its doctrine, discipline, worship, and government as by law established throughout his dominion of England, Ireland, and Wales. Even if you strike out that provision of the Act of Union with Ireland, here is a separate guarantee by another treaty entered into with Scotland. Here you have another Act, the Act of Union with Scotland, which guarantees the maintenance of the Protestant Establishment, not only in England, but in Ireland; and if the Act of Union with Ireland is done away with, the Act of Union with Scotland remains, and you must repeal that provision also before you can carry into effect the objects of this Bill.

My Lords, I wish also to refer to the Coronation Oath. I know it has been the habit of noble Lords on the other side of the House to pooh-pooh and ignore the argument founded upon the Coronation Oath, which, to my mind, is one of very deep importance. I am not going to comment on the particular language of the Oath either as taken by William III. or Victoria. Your Lordships will, I am sure, feel that in dealing with this question I am dealing with it in the abstract, and with all that affectionate reverence which is fitly due from me to a Sovereign who has so eminently discharged her public duties, whose private virtues are known to everybody, from whom I have received favours and kindness which demand the whole devotion of my life. But it is an entire mistake to suppose that, although the words of the Oath have been altered, the character of the relations between the Sovereign of this country and the Established Church, whether Roman Catholic or Protestant, has been altered during the whole course of our history. The Crown has been at all times bound by oath to maintain the rights and privileges of the Established Church—and not only its rights and privileges, but its lands and properties; and, without wishing to trouble your Lordships too far, there are some very remarkable passages to which I would call your attention, taken from a very early page of our history. That which I am about to read has been sent to me; but I have taken the trouble of verifying the quotation, and it is correct—

> "In a Parliament holden at Westminster, the eleventh yeare of King Henry IV., the Lower House exhibited a Bill to the King and the Lords of the Upper House, in effect as followeth:—'To the most excellent Lord our King, and to all the nobles in this present Parliament assembled, your faithful Commons doe humbly signifie that our Soveraigne Lord the King might have of the temporall possessions, lands, and revenues which are lewdly spent, consumed, and wasted by the Bishops, abbatts, and priors within this realme so much in value as would suffice to sustaine one hundred and fifty earles, one thousande and five hundred knights, six thousand and two hundred esquires, and one hundred hospitals more than now be.' But this petition of spoiling the Church of her goodly patrimonies, which the piety and wisdom of so many former ages had congested, was by the King, who was bound by oath and reason to preserve the flourishing estate of the Church, so much detested, that for this their proposition he denied all other their requests, and commanded them that from henceforth they should not presume to intermeddle with any such matter."

Perhaps your Lordships will allow me to refer also to the frank and honourable language of a most eminent man, the gifted Archbishop Whitgift, to one of the proudest and most haughty Sovereigns that ever reigned in this country. There had been an intrigue carried on by the Earl of Leicester for the alienation of a portion of the property of the Church, and from the favour which the Queen bore to Leicester it had been supposed that she would listen to it with no unwilling ear. Whitgift addresses the Queen in these words—

> "I beseech your Majesty to hear me with patience, and to believe that your and the Church's safety are dearer to me than my life, but my conscience dearer than both; and, therefore, give me leave to do my duty, and tell you that Princes are deputed nursing fathers of the Church, and owe to it their protection; and, therefore, God forbid that you should be so much as passive in her ruin; or that I should forbear to tell your Majesty of the sin and danger of sacrilege. I beseech your Majesty to consider that King Edgar, and Edward the Confessor, and many other of your predecessors, and many private Christians, have given to God and to his Church, much land and many immunities which they might have given to their own families, and did not; but gave them for ever, as an absolute right and sacrifice to God, and with these lands they have entailed a curse upon the alienators of them. As all your predecessors were at their coronation, so you also were, sworn before all the nobility and Bishops then present, and in the presence of God, to maintain the Church lands and the rights belonging to it. Madam, what account can be given for the breach of this oath at the last great day, if it be wilfully or but negligently violated I know not."

And then he thus ends his address to her—

> "Madam,—Religion is the foundation and cement of human societies, and when they which serve at God's altar shall be exposed to poverty religion itself will be exposed to scorn and become contemptible. And, therefore, as you are intrusted with a great power to preserve or waste the Church's lands, dispose of them for Jesu's sake, as you have promised to men and avowed to God; that is, as the donors intended. Let neither falsehood nor flattery beguile you to do otherwise. Put a stop, I beseech you, to the approaching ruin of God's Church, as you expect comfort at the last great day."

My Lords, I think you will agree with me that the language was worthy of so high-minded a man, and that the manner in which the Queen accepted and acceded to that language was as honourable to the Sovereign as the frankness and boldness of the communication was honourable to the subject. My Lords, I am unwilling to trouble you with further quotations, and I am quite aware that when I speak of the times of Henry IV. and Elizabeth, I am speaking of times when the Crown had much less restricted powers than at present, and that the terms of the Oath administered to her present Majesty were, that, to the utmost of her power, she would uphold the rights and privileges of the Church. Now, "to the utmost of her power"—these are limiting words, and in the present day, when the power of the Crown is much less than it used to be, and, perhaps, than it is desirable it should be, these words give an immense latitude to the conscience of the Sovereign. Because the case may be that there may be circumstances in which a Government is pressing on Her Majesty an assent to a measure which she may individually disapprove. Of course, my Lords, I do not presume to say what may be the private sentiments of Her Majesty. That is a matter with which I have nothing to do. The Queen, however, may have pressed upon her by a powerful Minister measures which, if they were not so pressed, might be oppressive to her conscience. The circumstances may be such as to make it impossible to form another Government; aud, as a constitutional Sovereign, Her Majesty is bound to act on the advice of of her constitutional Advisers. Therefore, without any fault on the part of Her Majesty, and without any imputation on her of violating her Oath, she may be placed in a position in which, even when wishing to the utmost of her power to maintain the rights and privileges of the Church, she may be so overborne as to be unable to do anything but yield. My Lords, I do not suppose it is within the competency of the Crown—or, at least, it is hardly within the competency of the Crown—to refuse her Assent to any measure passed by both Houses of Parliament and recommended for her Assent by her responsible Ministers. But, I say, with respect to this question, that if Her Majesty in her own conscience, unchecked by any other feeling, were bound to maintain the promises she made at the time of her coronation, and if her conscience were overborne by the pressure and advice of the responsible Ministers of the Crown, then you, and you alone, stand in the way of that dilemma between the Queen and her conscience; and that you, and you alone, have the power of rescuing her from the deplorable condition of being compelled to violate her oath, or placed in a position which it would be impossible for her to maintain. My Lords, you have the power of liberating the Sovereign from all those difficulties. You have the power, by the rejection of this Bill, of maintaining those rights which she is sworn to maintain; you have that power, although the Crown has not. To you, then, I appeal to place this matter upon the footing upon which it ought to stand; and to defend the conscience of the Crown, and the rights and privileges which, as Churchmen, you are bound to uphold.

Now, my Lords, in the course of this debate much has been said, and much doubt has been thrown, on the parentage of this Bill. In cases of doubtful paternity, the likeness of the offspring to the parent is a strong, though not a conclusive argument; but, looking at the Bill, I cannot trace the slightest resemblance between it and those views and opinions which were, and I hope still are, entertained by my noble Friends opposite. In this case, however, we, happily, are in no doubt as to the paternity; for my noble Friend who moved the Amendment (the Earl of Harrowby) pointed out that all the main provisions of the Bill were enumerated in the House of Commons some years ago by Mr. Miall, in very considerable detail, and that at the time they were rejected by the then Government, many Members of which are Members of Her Majesty's present Government. My noble Friend also seemed to think that there had been a little coquetting with the Roman Catholics. My noble Friend opposite (Earl Granville) said he had no recollection of that; but my noble Friend the Foreign Secretary took a bolder line. He said, "Mr. Miall! Who is Mr. Miall?" Mr. Miall is the President of the Liberation Society. "The Liberation Society," said my noble Friend, "we have had no communication with the Liberation Society; and as to its views, we know nothing about them!"

The Earl of CLARENDON: You allude to Mr. Dillon.

The Earl of DERBY: Oh, no! pardon me. I am not alluding to Mr. Dillon or to Mr. Daunt, I am talking of Mr. Miall; and of the charge of my noble Friend who moved the Amendment, that this is Mr. Miall's Bill; to which my noble Friend the Foreign Secretary said —"Mr. Miall! we know nothing about Mr. Miall or the Liberation Society." Is it to be supposed that my noble Friend is in a state of profound ignorance with regard to the secrets of his own Cabinet? Will my noble Friend tell me that he believes there is no individual Member of the Cabinet, holding high place, who has connection with the Liberation Society? Does he not know there is?

The Earl of CLARENDON: No; I do not.

The Earl of DERBY: You do not! Well, "ignorance is bliss." Surely my noble Friend does not need to be told that there is a Member of the Cabinet who is in very close and intimate relations with the Liberation Society, who is almost the *alter ego* of Mr. Miall, and who has exercised, and who no doubt does exercise, at the present moment, considerable influence in the Cabinet?

The Earl of CLARENDON: Who?

The Earl of DERBY: Mr. Bright.

The Earl of CLARENDON: Mr. Bright, in the House of Commons, when he spoke on the second reading of this Bill, said he was in no way connected with the Liberation Society.

The Earl of DERBY: What! Mr. Bright not a friend or connection of Mr. Miall?

The Earl of CLARENDON: What I said was that Mr. Bright is not a member of the Liberation Society.

The Earl of DERBY: I did not say whether he is a member of that society or not.

The Earl of CLARENDON: You said he was connected with it.

The Earl of DERBY: What I said was that a Member of the Government was in intimate connection with Mr. Miall, who was intimately connected with the Liberation Society. Now, my Lords, I say that this Bill in a great measure proceeds from a measure prepared under the auspices of the Liberation Society, and introduced into the other House by Mr. Miall, and rejected by the Members and supporters of the present Government; and if they had only taken the ordinary care of looking back to see what had occurred within so short a period they would have been spared all the anxiety of a protracted Session, and all the anxiety and pain of discussing what I trust will be a very abortive measure. But the fact is that this Bill has been carried in the House of Commons by the combination of a variety of interests. The Liberation Society I place in the very first rank; for I think that, whatever may be the ignorance of the Government on other subjects, they cannot be ignorant of this—that to the unceasing efforts of the Liberation Society is owing a considerable portion of the very large amount of support they received throughout the country during the recent elections. The noble Earl the Secretary for the Colonies advised us before we came to a decision to look forward a step further. Will the noble Earl permit me to return him that advice? When he brings in a measure prepared under the auspices of the Liberation Society will he be kind enough to look further and see what the next step will be that he will be called upon to take? My Lords, it is quite true that the Bill has also been supported by a number of the Presbyterians of Scotland, and I have been asked whether the Presbyterians of Scotland are not some of the stoutest Protestants of the Empire. Doubtless they are. But, in the first place, have there not been considerable jealousies between them and the Church of England? Moreover, a very large proportion of them are members of the Free Church of Scotland, and are enemies of all Establishments, and as such they naturally join in the cry for putting down the Establishment in Ireland, as being the weakest part of the Establishment of the United Kingdom. But, my Lords, what surprises me the most is that the Roman Catholics should have taken the part they have done with regard to this Bill. If there is one thing more than another which is opposed to all their feelings and principles, it is the alienation of property once devoted to the service of God. It may be that they think that this principle is not applicable to a heretic Church; but if it were applied to their own Church I am sure that they would declaim with the utmost vehemence against the adoption of that principle which they are now joining with the Dissenters in seeking to apply to the Irish Establishment. But, my Lords, what have the Roman Catholics to gain by the measure? The overthrow of an obnoxious Church. They gain for themselves nothing. I may, perhaps, be permitted to read upon this point the language of a well-known Liberal—no less a person than the Dean of Westminster—who says, with regard to this precise case—

> "The demand for the destruction of a rival, without advantage to ourselves, may be vengeance, but it is not justice—may be the savage war-cry of the ancient Gideonite, but is not the legitimate claim of a Christian State or of a civilized Church."

And all this is to be done, my Lords, upon the ground of religious equality. Now, in the first place, let me ask in what part of the world in which the Roman Catholic religion is the dominant power does it admit for a moment the notion of the principle of religious equality? It is a principle, they say, which may be all very well for the Protestants; but they condemn, under the authority of the Holy Father, not only the principle of religious equality, but absolutely that of religious toleration. In Ireland, and in Ireland alone, we find the Roman Catholics joining in the cry for religious equality, which, if they had the upper hand, they would not for a moment countenance. But what is the principle of religious equality contended for by the supporters of the Bill? Is it the impartial endowment of all denominations which was recommended by the noble Earl (Earl Russell) in one of his Letters, and which was also recommended on Tuesday night by a noble and learned Lord (Lord Penzance) at the table of your Lordships' House? Certainly not. Religious equality on the part of the Government means an equal indifference to all religions. It is not the universal endowment they recommend, but the universal disendowment and disestablishment of all Establishments. They agree with the Roman Catholics, who say—"We will not have an endowment, and therefore no one else shall have an endowment." And that is the only way in which it is proposed to introduce religious equality into Ireland. But, my Lords, is it possible to introduce practically religious equality into Ireland? I undertake to assert that, in the event of its being disestablished and disendowed, the Irish Church will not be able to hold its own against the rival Church of Rome. If you disestablish a Church, you take away the authority of her Bishops, and the cement of the law which binds together men of very different opinions, and allow a very wide latitude of action. Take away that control of the law and the Church of England in Ireland will be split into a dozen small factions, each going its own way. Can you for a moment imagine that a society so disestablished, so dispersed, and so entirely separated into several branches, distinct each from the other, can for a single moment contend against the perfect organization of the Church of Rome, in which the people are the absolute slaves of the priests, in which the priests are the obedient servants of the Bishops, and in which the Bishops only execute the mandates and commands of the Supreme Pontiff? And then with regard to endowment. The most rev. Prelate spoke in very forcible language last night against the danger and evil of an unendowed Church, and against the voluntary principle. But you proposè to apply that principle to the scattered Protestant population of Ireland, and profess thereby to put them on an equal footing with the Roman Catholic Church. But to rank them with the Roman Catholic Church as resting on the voluntary system is the greatest abuse of terms that can possibly be made use of. I recollect that in the last of the Letters of the noble Earl at the table he reported a conversation he had had with a Roman Catholic Bishop, who told him that, for some purpose—either to build a cathedral or a church—he had imposed a tax upon the parishes of his diocese amounting to 5*s.* in the pound. That sum was wrung from the hard hands of the peasantry, and while he himself enforced the payment, he, perhaps, was encouraging the tenants to cry out against the griping hardness of grinding landlords. It is perfectly well known that the Roman Catholic priesthood, whenever they choose, can levy their dues as regularly and with as much compulsion and force as Protestant clergymen ever did. It is my firm belief that if you could get at the amount of the incomes of the Protestant and the Roman Catholic clergy, you would find that those of the latter were considerably larger than those of the former. To give an instance to your Lordships of the subservience of the Roman Catholic laymen and clergymen alike, I will refer you to what occurred the other day, when Cardinal Cullen threatened all Roman Catholics with excommunication *ipso facto*. And for what?—if they attended a Masonic ball that was to be given in honour of the son of Her Majesty, in the presence of Her Majesty's representative in Ireland. For this they were to be excommunicated, and that excommunication was to apply to any young ladies who might think it a good opportunity of enjoying themselves if they attended the ball. The excommunication was threatened on this ground—that the ball was given by the Society of Freemasons. I can only say that if his Excellency imagines that the Freemasons of England stand on the same footing with the Carbonari and other secret societies—if he imagines that they are leagued against the Throne—I can only say that it is a signal proof of the ignorance of infallibility. I have not myself the honour of belonging to that society, but, from all that I have ever heard, I believe that a more loyal, a more peaceable, a more charitable, and a more universally benevolent class of men does not exist on the face of the earth; and yet, because it is called a secret society, all those Roman Catholics who attend any of its meetings are liable to be excommunicated. [A noble LORD interposed an observation.] I am obliged to the noble Lord for calling my attention to the noble Earl (the Earl of Zetland), who is the illustrious head of that dangerous society, which is supposed to be hatching all manner of designs against the Church and State, and whose associates are liable to be excommunicated by Cardinal Cullen. Now, my Lords, another of the many objections to this Bill is that it totally disregards in the case of the Church the prescriptive right to property which has been enjoyed for 300 years. I have been told that there is a great distinction between private property and ecclesiastical property. All I can say is that if there be a sanctity attaching to one more than to the other description of property, it would be to that which had been dedicated to the service of God. In the very able speech which was addressed to us on Tuesday evening by the right rev. Prelate (the Bishop of St. David's), he denied altogether that there was any peculiar sanctity attaching to property dedicated to the service of God. He began, in the first place, by saying that all acts of kindness towards our fellow-creatures were acts of worship to God. I am far from controverting that proposition, which the right rev. Prelate illustrated by two examples—that of the munificent gentleman who rebuilt Dublin Cathedral, and that of the benevolent lady who has recently conferred such a boon upon the poor of the metropolis. I do not mean to enter with the right rev. Prelate into the distinction which he drew as to the giving of property for religious purposes. I have no doubt that, in whichever mode it is given, it is equally acceptable to Him who looks not merely to the act but to the motives by which it is dictated. But the right rev. Prelate went on to eulogize the act of St. Ambrose in granting his church for purposes most meritorious in themselves—the relief of Christian sailors. He said he considered it one of the most meritorious acts of that venerable man's life; but he omitted to carry out his comparison to the full extent. The other two donors gave up their own property; but in the case of St. Ambrose there was no similar suggestion as to the source from which the property came, for it came from the offerings that had been made to the Church. I do not pretend to be deeply read in this matter myself, but this information upon the subject was sent to me this morning. Tertullian, in his *Apology for the Christians in the Second Century*, thus states the case—

> "Whatsoever we have in the treasury of our churches is not raised by taxation, as though we put men to ransom their religion, but every man once a month, or whenever he pleases, bestoweth what he thinks good, and of his own free will; and that which is given is not bestowed in vanity, but in relieving the poor and orphans, and maintenance of aged and infirm persons, men wrecked by sea, and such as are condemned to metal mines, banished into islands, or cast into prison, professing the true God and the Christian faith."

Therefore, in dealing with these offerings of the faithful, St. Ambrose was strictly in the right, and was applying them to the very purposes for which they were given. But the right rev. Prelate has omitted to notice the distinction which St. Ambrose very carefully drew, when the Emperor Valentinian called upon him to surrender the church of Milan, with its rights, privileges, and property. This was the noble answer which he made—

> "If anything were required of me that were mine—as my land, my house, my gold, or my silver—whatsoever were mine I would willingly offer it; but I can take nothing from the Church, nor deliver that to others which I myself received but to keep, and not to deliver."

I do not know whether the right rev. Prelate's admiration for St. Ambrose extends to all the acts of that holy man's life; but if the right rev. Prelate, following the act which he especially selected for commendation, should find his own congregation or any of them in a critical position, and to relieve their necessities should dispose of the Communion plate belonging to his church, I am afraid the meritorious example of St. Ambrose would hardly excuse the right rev. Prelate.

I really am ashamed to trespass on the indulgence of your Lordships, but there is one point to which I must advert, and that is the righteous indignation which was displayed by the right hon. Gentleman the First Lord of the Treasury when the recommendations of the Royal Commission were first issued, to the effect that certain portions of the superfluities of the Church in one part of Ireland should go to the relief of its necessities in another. "What!" he cried, "take away the Church property from one set of persons and give it to others—robbery, confiscation, plunder!" And my noble Friend the noble Earl (Earl Russell), in his third Letter to "My dear" Fortescue, pathetically says—

> "But if we go from this northern population to a southern parish, we may find a Protestant clergyman with a congregation of two, or ten, or twenty persons, surrounded by a Roman Catholic population of 4,000 or 5,000. The services of that minister in his church are of little value, but he is by no means an unuseful member of the community. He is probably an educated man, and practises all the 'sweet civilities of life.' He and his family visit the Roman Catholic poor, among whom there prevails none of that antipathy which springs up in parishes where the rival communions are in numbers nearly on a par. He is ready to provide and pay for the medical attendance that may be required when all the members of a wretched family are struck down by sickness. He is not wanting in the exercise of the charities of a good Christian, nor, though he is forbidden to tread upon the disputed domain of theology, is he prohibited from telling the peasant that it is his duty to love God with all his heart and soul, and his neighbour as himself. Such a clergyman, in a wild and desolate part of the country where many of the habits of savage life are yet retained, is not without his use, and I would willingly see all the parishes of the city of Dublin subjected to the voluntary *regimen* before I would consent to see all of these remote churches fall to ruin, the glebe houses of the clergyman empty, his garden overgrown with weeds, and the charitable hand removed to some populous town, in order to comply with the report of Lord Derby's Commission, and do away with an anomaly. These circumstances seem to me to require more consideration than the public mind has yet given to them."

In the whole history of the world was there ever an example of inconsistency greater than that exhibited by the noble Earl and the right hon. Gentleman the First Lord of the Treasury, who cry out —"Plunder, spoliation, confiscation, and robbery!" at the proposal to transfer a part of the revenues of the Church from one district to meet the wants of another, and who see no plunder, no confiscation, no robbery, and no spoliation in the proposal to do away with these benefices altogether, with all the advantages that are claimed for them—to leave the garden unweeded, and to remove the charitable hand? And for what purpose? Why, to build up lunatic asylums and to lighten county rates. The very remarks made upon the Report of the Church Commission, which the noble Earl himself moved for, are the strongest condemnation of Her Majesty's Government now. I was very much struck with the opening speech of the noble Earl (the Secretary for the Colonies) who moved the second reading of this Bill. He introduced that Motion with all his wonted suavity of manner and all his ability of arranging arguments; but, when he came to describe the principles of the measure, I listened with intense anxiety to know the grounds on which Her Majesty's Government would recommend the proposal to your Lordships' acceptance. Instead, however, of dealing with principles, the noble Earl —just as if we were going into Committee on the Bill—proceeded to give us a history of all the clauses in detail, and left the main question of principle wholly unnoticed and untouched. My objection, however, is not to the details, but to the whole principle of the Bill. I am not going now to enter into considerations of whether there might not be a little addition here, and a little mitigation of severity there at some future stage; I object to the whole principle of the Bill, and, in the language of the right rev. Prelate—I will not—I cannot—I dare not assent to the second reading of this Bill.

Another thing, my Lords, has very much struck me in this debate. With hardly an exception, all those who have supported the second reading of the Bill have found fault with every one of its details. The most rev. Primate, for instance (the Archbishop of Canterbury), gave us a most lucid explanation of the views which induced him to support the second reading, although it was, he said, a very bad Bill, and one that embodied the voluntary principle, which he condemned as utterly ruinous to the Church; nevertheless, yielding to the influence exerted upon him by the noble Earl the Secretary of State, who assured him that any Amendments which were proposed should be considered, and pinning his faith on that assurance, he consents to accept the second reading of the Bill. My noble Friend below the Gangway (the Earl of Carnarvon) certainly declares that he is grateful for one portion of the Bill—that which he calls the disestablishment of the Church. He, and many of those who share his opinion, desire to see the Church untrammelled and entirely free; and for the sake of seeing that object accomplished, although he objects to the extent to which disendowment is to be carried, he consents not only to the disestablishment which he approves, but to the disendowment which he does not.

THE EARL OF CARNARVON: I did not state that in the abstract I approved of disestablishment. On the contrary, I stated that I had every sympathy with the Irish Protestant Church.

THE EARL OF DERBY: My noble Friend said, that there was one boon which was conferred by this Bill, and for which he was grateful, and that was the establishment of a Free Church in Ireland.

THE EARL OF CARNARVON: No.

THE EARL OF DERBY: That was the expression used by my noble Friend in the debate, and that is the expression which he is reported to have used, for I referred to the passage this morning.

THE EARL OF CARNARVON: I am very sorry to interrupt, but I never did use that expression.

THE EARL OF DERBY: Then my noble Friend had better have some communication with the reporter of *The Times*, for I can assure him that he has been entirely misapprehended. Then, again, I turn to the speech of the noble Duke behind me (the Duke of Rutland). He admits that this is an act of injustice, violence, and spoliation towards the Irish Church. There is no part of the Bill that he does not criticize with severity.

EARL GRANVILLE: I must remind the noble Earl that, in the early part of the evening, I was called to Order by him for referring to a speech that had been delivered during the debate.

THE EARL OF DERBY: I am speaking for the first time in this debate, and following speeches delivered on Monday and Tuesday nights. Am I not permitted to answer anything that I heard in that debate? I can only say that the noble Duke concurred with the right rev. Prelate that this measure was either one of robbery towards the Protestants, or did not go far enough, as it restored nothing to the Roman Catholics. My Lords, two propositions have been laid down by the noble Earl the Secretary for the Colonies. The one was, that if we allowed this Bill to pass into Committee we might be able to make such Amendments in it as would be accepted by the Lower House; the other, that this question has been already decided by the deliberate judgment of the country. My Lords, in the first place, I deny the latter proposition. I deny that this question, as a whole, has ever been submitted, as is so frequently asserted, to the deliberate judgment of the country. It is quite true that, at the last General Election, the question of the disestablishment and disendowment of the Irish Church was made a portion of the Liberal policy, and that by a union of all sections of that party a large majority of Members was returned to the House of Commons to support the policy of the Liberal party and the right hon. Gentleman now at its head. But the Bill now before your Lordships never was before the country. The country judged of what the Bill would be, partly by the declarations of Her Majesty's Ministers in the House of Commons, and partly by the Preamble of the measure itself. Indeed, it would seem that many of its provisions were studiously kept back in the declarations of the Ministers and their chief supporters. Even the Preamble of the Bill failed to give us true insight of some of its provisions. And I must say, on reading that Preamble, it does astonish me how Her Majesty's Government should think that they are able to reconcile its recital with the provisions of the measure. The Preamble states that—

> "Whereas it is expedient that the union created by Act of Parliament between the Churches of England and Ireland, as by law established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by law, and that, after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be held and applied for the advantage of the Irish people, but not for the maintenance of any Church or clergy, or other ministry, nor for the teaching of religion."

Now, I believe that if there was one thing more than another made clear in the speeches and declarations of Her Majesty's Ministers, and which gained for the Government the support of earnest Protestants at the last election, it was the positive assurance that no part of the property of the Irish Church should be appropriated to the maintenance or the teaching of any religious denomination whatever. But what do we now see? How have Her Majesty's Ministers carried out that declaration? My Lords, if you look at the Bill, you will find no less a sum than £400,000 is to be taken from the Establishment and applied to the creation of an endowment for the Roman Catholic College of Maynooth. Now, let me not be misunderstood. I have not the slightest objection to the granting of a liberal compensation to the College of Maynooth for whatever may be taken from it. I do not, however, think that the establishment of Maynooth has answered the expectations that had been formed of it by those who originated or increased the grant which was given for its support. I am old enough to recollect the time when the clergy of the Irish Roman Catholic Church were obliged to go to Saragossa and other continental Universities in order to receive their education; and, recollecting what some of those men were, I must confess that I think that the clergy that have since been educated in the College of Maynooth have been generally of an inferior class compared with those who had been educated abroad, but who were not less zealous for the promotion of their own religion than those who have succeeded them. But, my Lords, that system is changed; Maynooth has now a permanent endowment sanctioned by Act of Parliament; and I for one have such a great respect for what has been once given under the sanction of an Act of Parliament, that I would never be a party to any measure depriving Maynooth of its endowment without fair and adequate compensation.

But if there was any one thing more clearly understood than another it was that no portion of the property to be taken from the Irish Church would be devoted to the purposes of Maynooth. That property was to be applicable to Irish purposes, but not to religious purposes. Yet it is now proposed that the property of which the Irish Church is to be despoiled shall be paid into the Imperial Exchequer and then handed over to the Roman Catholic College of Maynooth—by that sort of hocus-pocus it is pretended that the property of the Irish Church is not really to be given to Maynooth, but is to pass into the coffers of the State, and from those coffers it will be transferred to Maynooth. Then this property was to be applied to Irish purposes. Now, Maynooth may be said to be an Irish purpose: but then the fund is to go to the relief of the British Exchequer, as the payments formerly made, and for the discontinuance of which the Irish Church is to provide the compensation, are now by Act of Parliament charged on the Consolidated Fund. My noble Friend the Secretary of State for the Colonies told us that Her Majesty's Government in this House would fairly consider any Amendments which might be suggested in Committee on this measure; but, on being further pressed on the subject, he said that as far as the House of Commons was concerned he could not answer. That may probably be very true; but as far as Her Majesty's Ministers are concerned they can, probably, answer for their own Colleagues in the House of Commons. At least, they ought to be able to do so. But have we any assurance that the same candid consideration will be given by the House of Commons and by the Colleagues of my noble Friend there to any Amendments which may be made by this House, as has been promised by the Members of the Government who sit here? We know too well that in the other House Amendments even of the most minute character have been steadily and pertinaciously resisted by Her Majesty's Government; and therefore it can hardly be supposed that the Government, with their own good-will, will permit, if they have power to prevent it, the adoption of any Amendment which trenches, in the slightest degree, on the main provisions of the Bill.

My Lords, before I sit down may I be permitted to say a word or two in reference to myself? It has been industriously asserted out-of-doors, and by a portion of the Press, that I am the principal and the prime mover in the opposition to this measure. My Lords, those who make that assertion do me an honour which, if it were true, I should be proud of, but which I do not deserve. From the time when ill-health compelled me to retire from the councils of my Sovereign and from the honourable post of the Leader of the Conservative party, which I enjoyed for so many years, it was my anxious desire to place myself as much as possible aloof from party movements. And, on this particular question, so far from assuming a prominent position, I sedulously avoided everything of the kind, and I do not believe that I communicated with a single Peer in public or in private as to the view I took or the course which ought to be pursued in regard to it. I did, indeed, the other day attend a meeting of Peers, at which, but not until the close of the proceedings, I stated what was the opinion which I held individually on this subject. Further than that, I have not exercised the slightest influence nor made the slightest application to any individal Member of the House in reference to his vote. At the same time, my Lords, I do not deny that I entertain the strongest opinion on the principle of this Bill — an opinion which I have steadily upheld for a period longer than I am willing to recollect. My Lords, I am now an old man, and like many of your Lordships, I have already passed the threescore years and ten. My official life is entirely closed; my political life is nearly so; and, in the course of nature, my natural life cannot now be long. That natural life commenced with the bloody suppression of a formidable rebellion in Ireland, which immediately preceded the Union between the two countries. And may God grant that its close may not witness a renewal of the one and the dissolution of the other! I do not pretend, my Lords, to be able to penetrate the veil which hides from mortal vision the events of the future; but whatever may be the issue of this great controversy—whatever may be the result of your Lordships' present deliberations—I say, for my own part, even if it should be that for the last time I now have the honour of addressing you, that it will be to my dying day a satisfaction to me that I have been enabled to lift up my voice against the adoption of a measure of which I believe the political folly is only equalled by its moral injustice.

THE EARL OF KIMBERLEY: My Lords, I have often felt very deeply the responsibility of addressing your Lordships; but I say it unfeignedly that I never felt that responsibility so deeply as on the present occasion. It was not, I think, necessary for my noble Friend who moved the Amendment (the Earl of Harrowby) to call upon your Lordships to recognize the gravity of the question before us; for I am perfectly certain there is not one of your Lordships who does not feel that seldom has a question so serious and so important been submitted to this Assembly. But I likewise feel my own individual responsibility increased by having, not for the first time, to follow a noble Earl who whenever he speaks in this House meets with all the high respect which is due to his long experience and his great authority. I am sure your Lordships must feel that the touching remarks with which the noble Earl concluded gave more than usual weight to the address he has just delivered. The noble Earl very justly and fairly challenged Her Majesty's Government to say what is the principle on which this Bill is founded. My Lords, I was struck with an observation made by the right rev. Prelate (the Bishop of Peterborough), who spoke so brilliantly the other night, when he said that there are three nations in Ireland. That was a pregnant remark as bearing upon the policy that we have to pursue towards Ireland, and is, in fact, a key to the whole policy of the Government in the sister country. I cannot agree in the distinction which the right rev. Prelate drew between the Roman Catholic priesthood and the Roman Catholic laity of that country; but, unfortunately, those who like myself have taken part in the government of Ireland have found themselves constantly confronted by two extreme factions. But between those two factions there is an intermediate body, and it is upon that intermediate body that the Government must rely in ruling the country. There is, besides, what may by a figure of speech be called another nation on the other side of the Atlantic, and it is impossible to leave them out of consideration. I will venture to ask the noble Earl and those of your Lordships who are disposed to reject this Bill, what is the policy they think they are for the future to pursue towards Ireland? Upon that turns the whole question. I will venture to say—I will undertake to prove—that a policy which consists simply in rejecting this Bill and falling back upon the state of things which has hitherto existed, is one which no one intrusted with the government of this kingdom can henceforward pursue. The root of the whole difficulty is what is known as "ascendency," and I was reminded of that principle of ascendency in listening to the speech of the noble Earl who has just addressed your Lordships. The noble Earl made an eloquent appeal to this House on behalf of the Protestants of Ireland, whom, he said, we were about to oppress; but he altogether omitted to mention the 4,500,000 of Irish Roman Catholics. Now, I do not yield to the noble Earl in respect and admiration for the Protestants of Ireland. I will not speak one word disrespectfully of them. They are a body to whom England is undoubtedly greatly indebted—a body remarkable for their intelligence and industry. They are a body, too, who say that they are remarkable for their loyalty; but unfortunately, owing to the system of ascendency which prevailed so long in that country, that feeling of loyalty is mixed up with such a disregard of law, and of the feelings of the 4,500,000 of their fellow-countrymen, that it has been the source of many great evils and of much of the bitterness of feeling that exists in Ireland. This ascendency principle is the principle on which we governed Ireland for many years. I will not go back three centuries—but certainly from the memorable period of the Battle of the Boyne ascendency became strongly fixed in Ireland. For a considerable period you had a system of Penal Laws, which, to a certain extent, no doubt, succeeded in diminishing the number of Roman Catholics in that country. But the time came when that system could no longer be maintained; and I wish now to call the attention of your Lordships to the period when we began to depart from it. It was the time of the Union. Mr. Pitt and those great men who carried the Act of Union well knew that it could not succeed, unless it were accompanied by other measures. Your Lordships are all familiar with the views which were held by Mr. Pitt, and which unfortunately were not carried into effect in consequence of the unhappy resistance of George III. Mr. Pitt plainly saw that the principle of ascendency must be abandoned. The noble Earl (the Earl of Derby), speaking in opposition to the opinion of a right rev. Prelate (the Bishop of Peterborough), who addressed your Lordships on Tuesday evening, contended that by passing this measure we should be violating the Act of Union. Allow me to point out that at the time of the Union, as now, there were two sides to this question. Mr. Pitt and Lord Castlereagh, in carrying into effect their policy, appealed both to Protestants and to Roman Catholics; and while on the one hand they promised the Protestants that if their measure were adopted it would increase the security of the Church, on the other hand they assured the Roman Catholics that it would contribute to the establishment of their rights and liberties. Now I do not wish to cast any obloquy on the memory of these great men: but I must say, that to a certain extent, their promises and assurances, which the necessity of their position no doubt led them to give, were inconsistent one with the other. What they said to the Protestants was in effect this—"If you unite with England and unite the Church of Ireland with the Church of England, that union will render the Church of Ireland far more secure." But at the same time they said to the Roman Catholics—"If the union of the two countries should be effected you would have a far better chance of obtaining justice from a Parliament in which the Protestants of Ireland are not in the ascendant." These declarations were practically inconsistent with each other, because it was not to be expected that the Imperial Parliament would not in time take an independent view of the subject. My Lords, that was the period at which you abandoned the principle of ascendency. But although to some extent you abandoned the principle, you continued to maintain the practice until, after a long and severe contest, you arrived at Roman Catholic Emancipation. But even that measure did not entirely exhaust the evil. There still remained the Church of Ireland, which, whatever may be said, is a remnant of the old ascendency; and until you destroy that last support of the fabric you cannot establish that equal justice in Ireland which is the foundation of all good government in that country. The question now arises in what manner the subject is to be dealt with. The noble Earl who moved the Amendment (the Earl of Harrowby) has reproached in very strong terms those among your Lordships—of whom I am one—who have abandoned the policy of what is called "concurrent endowment." I admit that I spoke in this House in favour of such a policy, and I admit that I have departed from that policy. But, as was stated by a right rev. Prelate (the Bishop of St. David's) the other evening, the first condition of the policy to be recommended to Parliament is that it should be practicable; and that can no longer be affirmed of what is termed the policy of "levelling up" as it was called after the well-known speech of Lord Mayo. Only in Tuesday night's debate a right rev. Prelate pointed out that the Prelates and clergy assembled in congress in Dublin adhered to their former declaration that the Established Church was entirely against the principle of concurrent endowment. The General Assembly of the Province of Ulster this year also declared against it; and the Roman Catholics have never ceased to declare through their Bishops that they would not accept an endowment. Therefore, if you are to wait till you get the concurrence of all parties in such a measure you may wait for an indefinite period and reject the whole proposal as impracticable. Thus, by a sort of exhaustive process we are brought to the measure now before the House. We have been told that we have been driven to this policy by a terror of Fenianism. That statement not only is not true, but I venture to say that everyone who has considered the subject will admit that it is the reverse of the truth. I am alluding now not so much to the motives which have actuated Her Majesty's Government as to those which have influenced the feeling of the whole English people. In support of this view, I will not call in evidence any friend of my own, but I will read to your Lordships a short passage from the speech of Lord Mayo, which I think will exactly prove what I have advanced. Quoting from a remarkable article which had appeared in a magazine, he says—

> "Now, in a remarkable article which appeared some time since in one of the magazines,and which, from its intimate acquaintance with the affairs of the Brotherhood, was evidently written by some one connected with the secret operations of that body, this was expressly denied. The writer of that article said—'Englishmen complain that the Irish are never satisfied with what is done for them. Exactly so; a hungry man is not satisfied when you give him a toy. The Royal visits to Ireland, which were once considered as the sovereign panacea for Irish disloyalty; the land distribution, advocated by John Bright and others; the abolition of the Irish Church Establishment, now mooted as a sure cure for Fenianism—are toys given to hungry men. What the Fenians desire is Ireland for the Irish; and they look upon all the promised reforms as bribes to seduce true patriots from a righteous purpose.'"

Now, what does that mean? It proves that the Fenians dread nothing so much as these reforms which this writer calls "bribes to seduce true patriots from a righteous purpose"; in other words—they regard the continuance of these abuses as the best means of fostering a dislike to English rule. The noble Earl (the Earl of Derby) alluded to a statement, made by the noble Earl who moved the Amendment, as to the origin of this Bill, he said that this Bill was substantially taken by the Government from a scheme of Mr. Miall's. But it does not seem to me very remarkable that, after Mr. Miall and the society which he directs had been for many years contending for the abolition of the Irish Church, some portion of their plan should be found in accordance with that now proposed by the Government. Let me remind your Lordships that, if there be one measure for which the noble Earl's own Administration will be remembered more than another it is his Reform Bill—a measure which adopted as its basis household suffrage. Now, I wish to point out to the noble Earl that it has been repeatedly said he borrowed that Bill from no less a person than my right hon. Colleague Mr. Bright. I believe Mr. Bright has himself complained that the Conservative party appropriated the plan which he put before the country many years previously. I do not make that a subject of reproach to the noble Earl; and I readily admit it was only natural that, when he determined on adopting the principle of household suffrage the measure in which he embodied that principle should bear a great resemblance to the scheme of Mr. Bright. But the present measure was no more that of Mr. Miall than the Reform Bill of the noble Earl was that of Mr. Bright. My Lords, this Bill proposes two distinct things — disestablishment and disendowment. A right rev. Prelate (the Bishop of Peterborough) said he recognized that the verdict of the country was conclusive on the point of disestablishment; but he also put forward a theory, which is a very old one, that Church and State ought to be united not because the union of Church and State is required for the benefit of the Church, but because the Church ought to hallow the State. But it seems to me that this argument proceeds altogether on a fallacy. The State consists of the whole of the laity forming the nation and represented through the Government: but in considering this question you must separate Ireland from Great Britain, and remember that the great bulk of the laity of Ireland are Catholic. When you talk of a union between Church and State in Ireland you mean a union between the Church and the small minority who are Protestants. There is another argument sometimes used—that you must take the whole of the Protestants of the United Kingdom together, and that upon that principle the union of Church and State can be defended. But by that argument I say that you aim a deadly blow at the Union; because you say to the Catholics—"You cannot have justice done to you, because, though you are in a majority in Ireland, you are in a minority in the whole of the United Kingdom." The Church of Ireland has always been in a minority, and it is that fact which has been so unfortunate for it; and it is because it has been in a minority that it has always failed in dealing with the Irish people, because it has been a Church associated with the ascendency and the rights of a minority over the majority. It is that which has made it so gross an injustice to the Irish people, and which has rendered the efforts of the right rev. Prelate himself when he was in Ireland, and of other dignitaries of the Irish Church and the many useful institutions in connection with that Church, unavailing. It is that which has rendered it necessary for Protestants to do what we as Protestants—I do not deny it—must regret, to destroy the Church Establishment, and give a seeming triumph for the moment to the Roman Catholics. But, my Lords, if we admit

—and I do not see how it can be denied—that justice requires the disestablishment of the Church, what becomes of the argument of the right rev. Prelate with reference to the property of the Church? He admitted that the property of the Church could not be considered strictly private property, and that it was not public property in the sense of property derived from the taxes of the people; and he urged that it was of a mixed character, being private as regarded individuals and public as regarded the Church. The Bill of the Government is framed precisely with a regard to that distinction, because, on the one hand the rights of private individuals, connected with the Church, are respected; and, on the other, in dealing with the property of the Church, we have had regard to the public uses to which it is devoted. I was the more struck with my right rev. Friend's argument because, after he had explained to us his very ingenious, but as I think very unsound, theory as to property, he proceeded, in eloquent and strong language, to point out to the House the dangers which would be incurred by all other kinds of property of this measure was passed. He said—"The real thing the Irish want is to get possession of the land;" and that reminded me of an observation of Mr. Burke's—

> "That it is not a good way, in order to prevent the agitation of a grievance the existence of which you deny, to refuse to deal with a grievance the existence of which you admit."

My right rev. Friend said he did not believe Her Majesty's Government would accede to the demands of those who would confiscate the land in Ireland and restore it to its original proprietors. For my own part, I cannot contemplate the possibility of such a measure as he referred to; but I deny entirely that, because you are called upon to deal with the property of the Church—corporate property—you are, therefore, called upon to deal with the land, which is essentially private property, on identical principles. The distinction between these classes of property is as clear as natural justice and law can make it, and cannot be designated in the policy of any Government which is likely to hold power in this country. Another point has been referred to—that Church property in Ireland has been more than once dealt with in a way which has considerably infringed upon it. Several Acts have been passed which have had the effect of making a considerable reduction from the property of the Church—such as the Cess Act and that measure in which the noble Earl opposite was concerned, for the commutation of tithes.

THE EARL OF DERBY: That was not my Act. It was one which I opposed.

THE EARL OF KIMBERLEY: I beg the noble Earl's pardon, but he was so much connected with the questions of the day when that was passed that my mistake was not unnatural. An argument used by the noble and learned Lord (Lord Cairns) last year, has often since been put forward—that you have no right to deal with the property of a corporation apart from the uses to which the property was originally applied, when that corporation can continue to discharge its duties advantageously. But it seems to me impossible to maintain that argument strictly. Take the case of the confiscation of the monasteries and convents. Although that measure was harshly carried out, still I have always regarded it as a measure which conferred the greatest benefits on this country; but if the noble and learned Lord's view is correct, how was it right to confiscate the property of those monasteries and convents and devote it to other purposes? You cannot separate the expediency of a public endowment from the existence of it, and you must deal with it, having regard to the public interest as well as to the rights of private individuals. Take even a stronger case. At the time of the Reformation there were many chantries which had been founded for the purpose of prayers being said for the souls of the founders. But when you established a Reformation in this country and put an end to such endowments, you could not save the original intention of the founders; for the interests of the State you were compelled to require that such endowment should no longer be applied to such uses.

The right rev. Prelate (the Bishop of Peterborough) says that this is a small and pitiful measure. He has described it as a measure which, so far from justifying the character of generosity which has been claimed for it, displays great harshness, great injustice, great meanness. Now, I do not think that the reasons of the right rev. Prelate are quite wide enough to support these sweeping denunciations. The details which he criticized are such as, in my opinion, admit of a good and sound defence; they are points which we may properly discuss in Committee; and my noble Friend (Earl Granville) has declared that any Amendments which may there be proposed will receive respectful consideration from the Government. But surely there are points in the Bill which do not justify the criticisms of my right rev. Friend. For example, the Bill leaves the Church in the enjoyment of all the private endowments which it has received since 1660. We are told that is nothing. Then we are told that we have been very cruel to incumbents in respect of glebes and glebe houses. But when you come to examine the provisions of the Bill on this point, and to have them explained, I think your Lordships will find that there is something to be said for them. Some advantages are offered to the Church in respect of the glebe houses. There is such a thing as a building charge: the Bill gives the Church an option of purchase at whichever is the lowest amount, the building charge or the value of the land on which the houses stand. At all events, whether these provisions are sufficient or not, they have been carefully prepared, and in the opinion of the authors of the Bill are fair and reasonable. Another provision, which has been treated as one of little consequence to the Church, but is really one of great consequence, is that with respect to commutation. The Bill might have been framed so as to give the State the whole advantage to be derived from commutation, and the whole surplus which would be left after commutation. But the Bill as it stands says that the Church Body—with regard to which the fullest freedom is intentionally left to the Church—shall, in the interests of the Church, have the power of arranging with clergymen who wish to commute. Well, that provision will be of great advantage to the Church. There are many parts of Ireland in which the clergy of the Established Church have very small congregations and very light duties. I am acquainted with livings the incumbents of which receive, perhaps, £400 or £500 a year, but, having a merely nominal number of souls under their care, complain that they have not enough occupation to employ them. Such livings might be united with other livings, and then the surplus income would be available for other purposes. I am quite aware that in such a case you would have to provide for the life interests of the present incumbents. But some of them might reasonably wish to leave Ireland and employ their energies in another field, and they would be willing to agree with the Church Body to receive a portion of the income which the living afforded, leaving the rest to the Church Body. I have no wish to anticipate the discussion in Committee. My only desire is to show, in answer to the accusations which have been made against the Government, that the authors of the Bill did not frame it with any desire to act harshly towards the Church and disregard its interests; but, on the contrary, that it was their anxious desire to do that which they believed to be just and right as regards the Church, consistently with the principle of the Bill. Now the principle of the Bill precludes us from reserving to the Church the whole of its endowments, because it is a Bill of disendowment. My right rev. Friend was ready to admit disestablishment, but said that its endowments ought to be continued to the Church. Surely he does not think that if we were to go through the farce of disestablishment, allowing the Church to retain the whole of its endowments, we should satisfy the 4,500,000 Catholics in Ireland. My right rev. Friend would have us say to them—"You have now no grievance: the Church has been disestablished; but we have dealt with her tenderly, and have left her richly endowed, and you ought now to be contented." Well, I am certain that any measure of that kind would aggravate instead of lessening the feeling of injustice that now exists in Ireland.

Let me now, my Lords, remark for a moment upon the verdict of the country, about which so much has been said. There is a striking inconsistency here between the noble Earl who moved the rejection of the Bill and my right rev. Friend to whose speech I have referred so often, and which made so great an impression on the House. My noble Friend (the Earl of Harrowby) said the verdict of the country has not been a verdict upon this measure; its details had not been submitted to the constituencies; and he exemplified his argument by referring to the constitutional check which is provided in such a case as this under the American Constitution. Now, I deny that it is part of the Constitution of this country that any measures should be referred back to the whole people to be considered by them in detail. According to the Constitution of this country a Parliament, freely elected, determines the particular policy which the Crown shall be advised to adopt; my noble Friend opposite may go as far as he pleases in his new-fangled policy of Americanizing our institutions, but for my part, Liberal as I am, I prefer to stand upon the old ways. My right rev. Friend, however, differed in a remarkable manner from my noble Friend, because he hit on the right doctrine, though his argument was hardly consistent with it. He said the country had empanelled a jury on this question, and no doubt that is so. The jury is the House of Commons, and they have given their own verdict and the verdict of the country. My right rev. Friend says that this House also has a right to deliver its verdict. The question is, would it be wise on the part of this House to do so. Your Lordships have nothing to do in producing the verdict of the nation, except in so far as the arguments which you make use of here may weigh with the nation. But the jury has been empanelled—empanelled by noble Lords opposite, who themselves made the whole householders of the country those who were to make this choice. The jury so chosen has given a verdict by majorities varying from 100 to 120; and this being, as I maintain, the verdict of the country, let me ask permission to say a word or two as to the position in which this House is now placed. My Lords, I cannot pretend that I have any authority in this House which entitles me to offer such advice as you have heard from some of your most distinguished and experienced Members. But I have now had the honour of a seat in this House for more than twenty years. My whole public life has been passed here. I am not insensible to the honour and dignity of this House, and as long as I am a Member of it I desire that its honour and dignity should be upheld. I ask you to consider whether it is not better to follow the advice of such men as my noble Friend the Secretary of State for the Colonies, and my noble Friend (Earl Grey), than the advice of those who would summarily reject this Bill—acting on the motto, *Fiat justitia, ruat cœlum.* I submit that it is not a wise motto for a statesman, and not one which should guide this House in the sense that they should blindly determine upon any measure, whether proposed on one side of the House or the other, without well weighing the results of either rejecting or of adopting it on the general policy of the country. Looking to the future of this country and of this House, we find ourselves face to face with that household suffrage which noble Lords opposite have established for us. Is it wise—is it consistent with any statesmanlike policy—that in the very first Parliament elected by that extended suffrage we should fling back in the face of the House of Commons, thus elected—and elected under the auspices of the very party who now counsel us to adopt this course—the very first great measure which has been sent by that House for the consideration of your Lordships? Let not any of your Lordships think that I would use so vulgar and so indecorous an argument as to appeal to the fears of this House. I should be ashamed if I could be supposed to imagine that any assemblage of English gentlemen would be deterred by such a consideration from doing their duty without fear or favour. But there is another kind of fear against which I beg your Lordships to be on your guard, and that is the fear of being supposed to be afraid. I believe, my Lords, that is a kind of fear which makes men do more rash things than any other. For my part, I believe that this House will be actuated by the traditions of the last twenty or thirty years, during which it has been accustomed to sacrifice some of its opinions when they did not agree with those of the other House. My Lords, I venture to think that the position of this House is such that it is impossible we should not be compelled from time to time to re-consider our opinions upon great public questions. It is quite clear, I think, seeing that one House of Parliament is changed by election while the other is not so changed, they cannot continue to exist side by side without differences between them springing up. Under these circumstances, it seems to me to be necessary that your Lordships should give way to the clearly expressed decision of the country. If it were otherwise, this House would be supreme in the conduct of the national policy, and it seems to me not to be in the least degree inconsistent with the dignity of this House to admit that it does not possess that supremacy. It seems to me that the position of this House requires that your Lordships should consider what is the whole state of the case; that you should consider the question itself on its own merits; that you should consider it also in reference to the opinion of the country and to the opinion of the other House of Parliament. Feeling, as I do, that your Lordships will take this wise course, I have no fear of the conclusion to which this House may come. I am confident this Bill will pass in one form or other, either after having been modified by your Lordships, or if it be passed without modification—in one form or other it will pass into law. And I believe that when the angry feelings which for the moment have been roused—not in this House, but out of the House—shall have passed away and this measure which has been agreed to—for I maintain it has been agreed to—by the people of England, from a desire to do a great act of justice to their Roman Catholic fellow-countrymen, shall have passed, and you have severed the union between the Church of England and the Church of Ireland, you will have established another union far more precious—a union between the two peoples, a union of good-will and amity between England and Ireland which will be imperishable, because it will be founded on just and impartial laws.

THE BISHOP OF RIPON: My Lords, it is with the utmost diffidence that I venture to trespass for a few moments on your Lordships' attention. Nothing but a sense of duty would induce me to do so, but this is a question on which it is impossible for me to give a silent vote. With the details of the measure under consideration I will not attempt to grapple; partly because I look upon this as the proper stage to discuss its principle, but mainly because I deem it right frankly to confess that in my judgment that principle is so bad, that I despair of rendering the Bill a good one by any manipulation of its details. I have listened in the course of this debate to several arguments against the measure, and with most of those arguments I fully concur. The principle of the Bill is the disestablishment and disendowment of the Church in Ireland; and the primary objection which I entertain to it is, that it involves the assumption that it is no part of the duty of a Christian State to connect itself with the maintenance of Christian truth. Should this Bill become law, the State, as far as Ireland is concerned, will have disconnected itself altogether from religion. It will have virtually declared that all creeds are equally true or equally false; that it will recognize none and have a preference for none. This conclusion I deprecate in the interest of the Church, but still more in the interest of the State itself. I believe there is a national as well as an individual responsibility. I am of opinion that nations as well as individuals are morally accountable, and that a nation cannot any more than an individual ignore this responsibility without challenging the disfavour of God. If it be true—and we know it is true—that all power is from God, then I cannot see how it can be right for those in possession of power to ignore their sense of responsibility to Him from whom it is derived. And how, I would ask, is a State to manifest this responsibility except by connecting itself with some ecclesiastical organization? Now, I for one, altogether deny that the principle on which that organization should depend is to be determined by the belief of the majority of the people. There are higher questions than that at issue. The question of truth ought, I contend, to be the supreme and paramount consideration. I believe it to be the duty of a Christian State in determining the ecclesiastical organization with which it is to connect itself, to look mainly and chiefly to the question of religious truth. My Lords, this principle is recognized by the British Constitution. The Church is an integral portion of the State. It is inseparably connected with it. You cannot impair the position of the one without injuring that of the other. You cannot destroy the Church without pulling down the Constitution of which it forms a part. Notwithstanding, I may add, all that has been said on the subject, I entertain the opinion that the principle of this Bill is inconsistent with the Act of Union. It must, of course, be admitted that it is competent to Parliament to repeal and alter laws which itself has made. This is the case with reference to all ordinary Acts of Parliament; but it seems to me that the case is different when we are dealing with an Act which has been passed for an express purpose, and which has been ratified by a Treaty entered into between two independent nations. I, for one, hold that it is to be guilty of a breach of national faith and honour to ignore the conditions of a Treaty thus solemnly entered into — conditions without which that Treaty would never have been ratified. I concur, moreover, in the opinion that this measure is calculated to have an indirect effect on property. I admit that there is a difference between private and corporate property; but to ignore the undisputed possession of 300 years is, in my opinion, to unsettle the security for all property, and therefore this Bill I think calculated to inflict a blow on the security of property of every kind. Upon this point I would quote the testimony of the late Mr. Anthony Richard Blake, a Roman Catholic layman, given on oath before a Parliamentary Committee. He said—

> "The Protestant Church is rooted in the Constitution; it is established by the fundamental laws of the realm; it is rendered, as far as the most solemn acts of the Legislature can render any institution, fundamental and perpetual; it is so declared by the Act of Union between Great Britain and Ireland. I think it could not now be disturbed without danger to the general securities we possess for liberty, property, and order; without danger to all the blessings we derive from being under a lawful Government and a free Constitution. Feeling thus, the very conscience which dictates to me a determined adherence to the Roman Catholic religion would dictate to me a determined resistance to any attempt to subvert the Protestant Establishment or wresting from the Church the possessions which the law has given it."

My Lords, I entertain another objection to this Bill, founded on what I conceive to be the probable effect of its passing into law. It has been called a great measure; and I think, notwithstanding what fell from my right rev. Brother (the Bishop of Peterborough) the other night, that it is a great measure. The noble Earl who moved the second reading (Earl Granville) told us that it had engaged the most anxious labour and thought of the Government in its preparation. The noble Earl who moved its rejection (the Earl of Harrowby) spoke of it as striking at the very roots of the Constitution. By others it has been termed — and I think rightly—a revolutionary Bill; but be that as it may, few I presume will deny that it is a measure of vast importance. If that be so, I cannot help feeling that we are entitled to ask for some evidence to show that it will accomplish the end which its authors propose to themselves — an end which we all desire to see attained—the welfare and prosperity of the sister country. Is this Bill, then, likely to promote the pacification of Ireland or to confer important benefits on that country? My own conviction is that this Bill, if passed into law, will not have a feather's weight in producing contentment and peace in Ireland. And in support of this view I would ask in what manner has it already been received by the Irish people? Has the notice of it been welcomed as an olive branch of peace, or has it not rather been received as furnishing matter for discord? Has not the discontent by which that unhappy country has so long been distracted been rather increased than diminished since the measure has been brought under the consideration of Parliament? Are your Loadships not all aware that the great grievance of Ireland, as proclaimed by the Roman Catholics of that country, is not the existence of the Established Church, but the position of the land question, and that they say they will never be satisfied until that question is settled? I entertain another objection to this Bill, founded upon the inopportune period in which it seems to me to have been introduced. Among the many arguments employed in favour of this measure there is one that is frequently used — that the Established Church in Ireland has not discharged its missionary obligations, and that it has failed to perform the duties that devolve upon it with regard to the whole population of Ireland. I must say here that the clergy of the Established Church in Ireland have, as it appears to me, been most unfairly dealt with. If they confine themselves to ministering to the Protestant parishioners of their respective parishes we are told that the Church has failed in discharging its missionary obligations; and if, on the other hand, they display any zeal in endeavouring to gain converts from among the Roman Catholics, they are immediately denounced as firebrands. And yet it must be within the cognizance of all your Lordships that there has been a remarkable revival of fervour and zeal among the Irish clergy of late years, showing itself in increased efforts for the conversion of the Roman Catholic population; and I may go further and say, that these efforts have been attended with remarkable success. Having visited those portions of Ireland where these missionary efforts have been most vigorously and actively carried forward, I can testify, from personal observation, to the reality, the genuineness, and the extent of the work which is being accomplished. But we are not merely dependent for proof of this success upon Protestant testimony. The *Nation*, the organ of the intensely Irish party in the country, has itself borne testimony to this success. It says—

> "There can no longer be any question that the systematized proselytism has met with an immense success in Connaught and Kerry. It is true that the altars of the Catholic Church have been deserted by thousands born and baptized in the ancient faith of Ireland. Travellers who have recently visited the counties of Galway and Mayo report that the agents of that foul and abominable traffic"—

These are the terms in which the Roman Catholic organs speak of the efforts of our clergy to promote the conversion of their Roman Catholic fellow-subjects—

> " are every day opening new schools of perversion, and are founding new churches for the accommodation of their purchased congregations. Witnesses more trustworthy than Sir Francis Head, Catholic Irishmen, who, grieved to behold the spread and success of the apostacy, tell us that the West of Ireland is deserting the ancient fold; and that a class of Protestants, more bigoted and anti-Irish, if possible, than the followers of the old Establishment, is grown up from the recreant peasantry and their children."

We have then incontrovertible evidence of the fact that the Church in Ireland is making—and this with considerable success—unparalleled exertions for the purpose of winning Roman Catholics to the fold of the Established Church; and yet we are told as an argument in support of this measure that the Irish Church has failed to discharge its missionary obligations. On these grounds I feel compelled consistently and conscientiously to oppose this measure. Again, my Lords, this measure is recommended by the plea of justice and of religious equality. There is one consideration with respect to this plea of justice which has occurred forcibly to my mind in the course of this debate. Justice is a high and a great principle. Now, if there is injustice in the existence of the Established Church in Ireland at the present moment, there must have been injustice in its establishment at the time of the Union, and there must have been injustice in its continuance from the time of the Union down to the present moment. If this be so, how is it that the plea of justice has never been mooted before? It is not that Ireland has been neglected in the deliberations of British statesmen. It is not that Ireland has not had its full share in the consideration of Parliament. Statesmen, the most sagacious, and far-seeing, have from time to time considered the necessities of Ireland. Ireland has given rise to questions which have, I believe, on more than one occasion decided the fate of Governments; it has occupied the anxious attention of numbers of those who have been called to the helm of the Constitution. Are we to suppose that they have not been far-sighted enough to see the injustice if it existed, or are we to admit—a supposition which is still more untenable—that if they did perceive the injustice, they were unwilling to interfere to redress the grievance? But I take the testimony of a Roman Catholic on this point; and, according to him, I think it is conclusive that, in the opinion of some enlightened Roman Catholics, there is in reality no such injustice. Dr. Slevin, a Roman Catholic Professor at Maynooth, in his evidence before the Commissioners of Education, in 1826, said—

> "I consider that the present possessors of Church property in Ireland, of whatever description they may be, have a just title to it. They have been *bonâ fide* possessors of it for all the time required by any law for prescription; even according to the pretensions of the Church of Rome, which require 100 years."

Another plea is that of religious equality. The noble Earl who has recently spoken told us that the key to the whole question was the one word ascendancy. I would not on any consideration utter a single harsh or unkind word with respect to my Roman Catholic fellow-subjects. I am not conscious of entertaining an unkind feeling towards them, or of having, at any time, uttered against them an uncharitable word. Toleration I would have to the utmost. I believe toleration is a great Christian principle, and that to exercise toleration is the duty of a Christian State as well as of a Christian Church; but equality as between Roman Catholics and Protestants you cannot possibly have. It is not in the essence of Roman Catholicism. It is not in the essence of Protestantism. Between the two, there is an impassable gulf. We Protestants hold that the Roman Catholics entertain fundamental errors, and the Church of Rome hurls her anathemas against Protestants for repudiating that which she maintains to be fundamental. The effect of this measure, should it be passed, will be to produce, not religious equality, but Romish ascendancy. I believe no other result would follow this measure than to give to Rome the ascendancy in Ireland, and therefore the very evil of which the noble Earl complains would exist even if this Bill were passed into law. I will not touch upon another and very important question—the verdict of the country with regard to this measure—beyond saying that I concur with those who have said that they are not satisfied that the verdict of the country has been pronounced upon this particular Bill. I will go even further than this. It is my honest conviction that there is a change coming about in the feeling of the country at large with respect to this particular Bill; and, although a taunt was thrown out the other evening with regard to what have been called the tumultuous assemblages which have been convened with regard to this measure, I cannot forbear from saying that in that part of the country with which I am officially connected, and especially in the great towns of the West Riding of Yorkshire, I have satisfactory evidence that there has been a great change in the feeling with regard to this Bill—a change expressed not in noise or tumult, but in calm, clear, and unwavering utterances of dissatisfaction and disappointment; and it is my conviction that if your Lordships reject this Bill on the second reading, and it be submitted to the country for further investigation and consideration, the verdict of the country will ultimately confirm and approve the decision of your Lordships. I listened with eager attention to the able speech of the noble Earl who addressed the House at the opening of the debate on Tuesday evening (Earl Grey), when he endeavoured to show that it was our duty to accept the second reading of this Bill and then try and improve it in Committee. If this were merely a question of political expediency, involving no higher considerations—if there were no moral questions mixed up with it—I might feel disposed to accept that advice; but believing as I do that it involves moral considerations of the highest importance, I cannot consent to make political expediency my guide in preference to what I believe to be morally right. Believing, as I in my conscience do, that this Bill is not called for by any claim of justice to Ireland — believing that it will not confer any lasting benefit upon that distracted and unhappy portion of the United Empire—believing that it will prove a blow to Protestantism and a triumph to Romanism — believing that it will exasperate the Protestant population without conciliating the Roman Catholic population — believing, further, that it will necessarily be the precursor to other measures still more disastrous to the Church and the Constitution—believing that the adoption of this measure would amount to a national sin, and that what is morally wrong can never be politically right—I must enter my protest against the second reading of this Bill.

The Duke of CLEVELAND: My Lords, the noble Earl (the Earl of Derby), in addressing your Lordships this evening, spoke of the great sense of responsibility under which he laboured in dealing with this question; and I can assure your Lordships that I deeply feel that same sense of duty to which so many noble Lords have given expression during the course of this debate. My Lords, the first point that naturally arises is connected with that voluntary principle which this Bill is to establish. I will frankly confess that, under ordinary circumstances, I am not in favour of that principle. It is not a principle that prevails in any other part of Europe, and I do not stand up as its defender. It does not appear to me that it would be well to establish it in England, or that it would work adequately here. On the contrary, I consider that to introduce it into this country would be almost equivalent to establishing a condition of national irreligion. But Ireland is differently situated, and we have too much reason to know that there is no other remedy for her unhappy condition but this. The right rev. Prelate who has just addressed your Lordships (the Bishop of Ripon) said that we must deal with this question as one of right or wrong, of religion or irreligion, and not as one of expediency or statesmanship. He argued that it can never be proper for a Protestant country to legislate in favour of the Roman Catholic Church, and he called upon all Protestants, for that reason, to rally round the standard of those who desired the defeat of the Bill. But it seems to me that in dealing with this question we must take into consideration the circumstances in which we find ourselves. It cannot be decided on such grounds as those urged by the right rev. Prelate. We must remember that the great majority of the population of Ireland is Roman Catholic, and that if the power of government were placed in their hands the Roman Catholic religion would be established there to-morrow. Nor can we forget that they were originally in possession of the endowments of the Protestant Church—though, of course, I do not include the gifts subsequently presented to it by Protestants. I confess that, so far am I from objecting to the Bill that it goes too far, my only apprehension is that it does not go far enough, and that it will not satisfy the Roman Catholics. I freely acknowledge that I myself should have advocated a very different measure were it practicable. I know the country would not consent to any proposal for the division of the ecclesiastical funds between the Roman Catholics and the Protestants—though I cannot help thinking that such a proposal would be in accordance with the natural course of justice. It is the one that I have always been in favour of, and that received the support of the noble Earl at the table (Earl Russell), of the noble Earl on the cross-Benches (Earl Grey), of Lord Macaulay, Mr. Hallam, and of almost all the most eminent statesmen until within a recent period. If I now give my consent to a Bill departing from that principle it is only because I feel that it is not practicable at the present moment. I am not sure that something of the kind may not be adopted hereafter. In saying this, I do not pretend to defend all parts of the Bill. It is not my affair to do so, nor would it be in my power. There are details which I think may be most advantageously amended. It seems to me that the glebe houses ought to be given to the Protestant proprietors for the use of the Protestant clergy. I think they are entitled to them. But I am afraid your Lordships will hardly agree with me when I go further and say that I would even give glebe houses to the Roman Catholics for their priests. That course, it seems to me, would be right and proper, and one to which they would themselves offer no objection. We know that any scheme of general endowment would be repudiated by them, and they would refuse a grant of money; but glebe houses come under a different category, and I believe they would accept them. I had a conversation last autumn with a very distinguished foreigner, who is, in some degree, however, connected by marriage with Ireland, and who is capable of taking an impartial view of the present controversy. I believe that he holds what are called Ultramontane opinions. Speaking especially of the people of Tipperary, he frankly told me that they felt a great distrust of England, and he did not think that it had at all diminished, but still existed in all its original force. He also told me that this Bill would not satisfy the Irish Roman Catholics. He was strongly of that opinion. But one thing he thought might have a good effect. The Roman Catholic priests would not accept money, because it would tend to injure their influence over their parishioners if they did so; and, besides, they had pledged themselves too strongly against it. But he believed that they would accept, in certain cases, the glebe houses, with a portion of the land attaching to them. I should very much like to see such a provision introduced into the Bill; for otherwise the objection which, at some future time, will be taken to it will be this—that it does nothing for the Roman Catholics. Nor do I think it would be any violation of the principle on which the Bill was introduced. I do not refer to the compensation to Maynooth. Objection has been taken to the compensation to Maynooth being paid out of the funds of the Irish Church; and I believe that, in strictness, that provision is hardly consistent with the principle of the Bill. But I do not object to it—the matter rests on different ground. Maynooth was originally established and endowed, in order to provide the Roman Catholic priests of Ireland with the means of a good education at home, and to prevent their seeking it on the Continent at a time when very revolutionary doctrines were abroad. Everyone who knows the immense influence exercised by the Roman Catholic clergymen in Ireland must feel that the establishment of Maynooth for that purpose was a wise and statesman-like measure, and the compensation proposed by the Bill is certainly not too large. But the time must come when the question will take a wider range. There will be a very considerable surplus after all the claims arising from disestablishment and disendowment have been met, and the best method of appropriating it is a question that must give rise to much controversy. Well, the Bill proposes to appropriate a large sum to reformatories, lunatic asylums, and institutions for the deaf and dumb. Now, the noble Earl who moved the rejection of the Bill said that the manner of appropriation proposed in the Bill had been suggested by the Liberation Society. I believe he was quite wrong in that opinion. I am not in the confidence of the Cabinet; but, on referring to the debates that took place on the Church Temporalities Act, I found a speech of Mr. O'Connell, in which he recommended precisely that plan of appropriation which is contained in this Bill. Of course, Mr. O'Connell did not foresee that any part of it could be given to the Roman Catholic Church, and he suggested specifically that the surplus funds of the Irish Church might be appropriated to lunatic asylums, reformatories, and similar institutions. I believe that the Government obtained from that speech the scheme which they have embodied in the Bill. It has been objected that the measure will have the effect of appropriating to secular purposes property that has been devoted to the service of God. Now, I confess that I feel a great dislike to the alienation of any property from religious uses. But, on the other hand, we are entitled to say that the argument furnished on the assumption that it is sacrilege to do so has been fairly disposed of. Even in the Roman Catholic Church property conferred for religious purposes may be otherwise applied after the lapse of 199 years; and we know that that Church has always been singularly tenacious of its possessions, and little disposed to accept innovations either of doctrine or practice. In the present case the necessity for the alienation of the property of the Church arises on public grounds. Now, I will not say one word against the clergy of the Irish Church whom it is thus proposed to disendow. I believe that nothing can be more exemplary than their lives and characters; nothing more unfortunate than the position in which, from no fault of their own, they have found themselves placed. They are called fanatics and disturbers of the peace if they attempt to proselytize; lukewarm and time-servers if they do not. They are in a false position, and one that is full of difficulties; and I hope this Bill will release them from it. No doubt, in the first instance, the management and organization of the disestablished Church will be no light matter. The Bill does not proceed upon the assumption that Protestantism is to be extinguished in Ireland, on the contrary, it provides for the organization of a new Church Body. I have spoken to several Irishmen, especially conversant with those districts, as to the effect of the Bill in Connaught, Leinster, and Munster. I believe that the effect will be that the Protestants will go to the North of Ireland more than ever, and that Ulster will become more intensely Protestant, while the other parts of Ireland will become more intensely Roman Catholic. I regret there are no means of supporting convocations in the Protestant parts of Ireland, but it is impossible that any Establishment can be maintained for the sake of a very few individuals scattered over very large districts widely separated from each other. We must consider the question as a whole. I am now only speaking of going into Committee, and I support the second reading of this Bill as the only means of putting an end to this agitating question. Without indulging in any menace, I think your Lordships will place yourselves in a false position if you reject the measure, which you cannot eventually by any possibility put off. What advantages do the noble Lords opposite propose to gain by the rejection of this Bill? I believe that we shall incur great odium by so doing, and I am one of those who think—notwithstanding what has been said by the right rev. Prelate (the Bishop of Ripon) of what he knew had taken place in the North Riding of Yorkshire—I do not believe that any change of such a character has come over the feelings of the people of the country at large, likely to induce them to make any considerable alteration in the character of the House of Commons in the event of another election. I am ready to admit that at many of the late elections the results did not turn solely upon the Irish Church question, but that many hon. Members were elected on general Liberal principles; but the Irish Church question was fully explained to the constituencies, and disestablishment and disendowment was the election "cry." No doubt some expected a larger and some a smaller measure of disendowment than that proposed by the Bill; and it would be most unfortunate that this House should come into collision with the other House of Parliament in its first Session on a question of grave importance, and which has passed the other House after having been submitted to the people. I have already stated that, whilst I intend to vote for the second reading of the Bill, I do not concur in many of its details, and I shall be prepared to vote against them in Committee. I therefore ask your Lordships not to commit the error of throwing out this Bill on the second reading, and thereby raise a quarrel between the two Houses of Parliament, and lose the opportunity we now possess of introducing into it such Amendments as we might think expedient and consistent with the Bill. It would, in my opinion, be a grievous error to do so; and, speaking in the interest of those who oppose the Bill, I think it would be, under the present circumstances, a most unwise course not to assent to its second reading.

Lord REDESDALE: My Lords, after the remarks I have made on former occasions in reference to this subject, I trust I may be permitted to offer a few observations upon the general question. And, in the first place, my Lords, I will refer to the point which has been alluded to so strongly—namely, the effect which the decision of the other House of Parliament on this Bill ought to have upon your Lordships. It is impossible, in dealing with this point, not to bear in mind the allusions which have been made to what has taken place on former occasions, when differences of opinion have arisen between the two Houses of Parliament. Reference has been made to what occurred at the time of the Reform question in 1832. I would, in the first place, ask your Lordships to recollect the total difference between that time and the present — between that question and the one before the House now—and to bear in mind what was the course of proceeding in Parliament for many years after the time of the passing of the Reform Act. The Reform question had been before the country certainly for half-a-century—in fact, it had been a debated question for many years, until at last the feeling of the country became so strong that those who remember those times must admit that they never saw the country so unanimous upon any subject as upon that. A dissolution had taken place; and not only had the large constituencies returned in overwhelming numbers, but even many of the smaller and condemned boroughs returned Members pledged to the support of the measure. The Bill having been rejected in 1831, was re-introduced in the next Session, and having passed the Lower House, came up to your Lordships' House and received a second reading; but an Amendment being proposed, there was a majority against the Government. The Government consequently resigned. The Conservatives were at that time unable and therefore declined to form a Government, and the noble Earl (Earl Grey), then at the head of the Government, remained in power and announced that it was necessary that the Bill should be carried. The country had pronounced for "the Bill, the whole Bill, and nothing but the Bill," and consequently further opposition to the Bill was withdrawn, and it was allowed to pass in the shape in which it came up to this House. If it had not been allowed to pass the country would have come to a dead-lock. But we must remember what the circumstances of the case were. One House of Parliament, convened expressly for the consideration of the question, stood self-condemned, and condemned in the opinion of the country; and, as was well-known and avowed, the opinion of the Sovereign was in favour of the measure. Therefore, two of the constitutional powers of the State were of one way of thinking on the matter. But how stands the case with respect to the question we have now to deal with? In the first place, it is a question of one year old. It is a very difficult question, as will have been seen in the course of the debate; it is one upon which I believe the country at large is but slightly informed. No decided opinion has yet been formed on it; and I am convinced, that whatever opinion had been formed at the time of the election, that opinion has been greatly changed. No one, I believe, is prepared to say that it is not the case. I do not pretend to say to what extent that change has taken place, but I maintain that, to a certain extent, it has occurred. Therefore, my Lords, I say that it is a perfectly legitimate action of this House to give the country further time, and a further opportunity of considering this question. It is not one that should be decided in a hurry. It is one upon which the country has a perfect right to have a longer time to mature its opinion. I next wish to direct your Lordships' attention to the proceedings in Parliament and in the country since the time of the passing of the Reform Bill in 1832. It has been supposed that because this House yielded to the almost unanimous opinion of the country and of the House of Commons, it had lost character in the public mind, and that its power and efficiency as a legislative body had been seriously impaired. But that I utterly deny. From the period of 1833 down to 1841, when the Conservative party came into power, supported by a large majority in the House of Commons, this House exercised a more important, a more decided, and a more independent legislative action than at, perhaps, any other period of its existence. Take, for example, the proceedings in Parliament on the Appropriation Clause and the payment of tithes in Ireland. Now, my Lords, permit me to say that the tithe question was a very much more important one for the peace of Ireland than that before us. It was one upon which the peace of the two religions depended to a degree not to be compared with its dependence upon the present Bill. It was said that 25 per cent of the tithes were given to the landlords, but that was in return for their undertaking the trouble and risk of collecting them; and it must be recollected that the Church was a gainer by it. She got more by that arrangement than when she collected the tithes herself. She was therefore willing to sacrifice the percentage and accept the compromise. That was a very important question, but it was not settled in one year; it took five or six years, if I am not mistaken, to settle it. Let us see what occurred at the time. In 1835 the Government of the day went out—that is to say, the King changed his Administration. Sir Robert Peel formed a new Government, and there was a new election. Sir Robert Peel's Government did not stand, and the party opposed to him came in and pressed on the Appropriation Clause; and the second Reformed Parliament supported them in sending up the Bill with the Appropriation Clause to this House. Your Lordships still rejected what they regarded as an injustice; and at length the Appropriation Clause was withdrawn, and the principle has been maintained until this day. I say, therefore, my Lords, that we have a right to give, and it is our duty to give time to the country to reflect upon a measure of this great importance. There was also another measure of great importance. The English municipal corporations having been re-formed, a measure was brought forward, in 1836, for the reform of the Irish corporations. This House was perfectly willing to enter upon the consideration of the measure; but there were details which they considered objectionable, and Amendments were accordingly introduced which the House of Commons would not accept, and so the Bill was thrown out. The same thing occurred in 1837, 1838, and in 1839. At length, in 1840, a great many of the objectionable clauses having been withdrawn, the Bill was assented to, after Amendments had been introduced in the House of Lords, several of which were agreed to by the House of Commons after a conference. This, I think, is the strongest possible proof that the creation of Peers, merely because this House had exercised its legislative functions, would be the most unconstitutional act that could be proposed. My Lords, if a Government having gained a majority and come into power is not able in one year to carry all the measures it desires, and then is to exercise a positive control over this House through the Sovereign, the whole use of this House would be gone—all its independence would be at an end for ever. The cases I have cited show that your Lordships, after yielding as you did in 1832, so far from losing power as a legislative body, exercised its power and influence in the strongest possible manner, and in a sense advantageous to the country. And what was the result? It no doubt took about ten years' time for the country to come round to the Conservative party; but, in 1841, they came into power with a large and overwhelming majority. I will now proceed to consider the merits of the Bill. To the measure itself my first objection that I take is the constitutional objection that it is a destruction of the existing Constitution by an absolute extinction of one of the Estates of the realm in Ireland. My Lords, it is highly important to recollect that the Established Church is one of the Estates of the realm both as regards its property and its status. And connected with this objection, there is a matter that peculiarly affects the privileges of this House. The 13th clause of the Bill declares coolly and off-hand that no Prelate shall be qualified to sit in the House as such after the 1st of January, 1871. My Lords, upon the highest authorities—upon such authorities as *Blackstone*—I assert that the other House of Parliament has no authority, and, practically speaking, ought not to have the power, to originate any such clause, as that persons who have once been summoned to this House should no longer retain their seats. The question of privilege raised by this clause is one of the most important character—one which I think it my duty to bring to the notice of the House, and an infringement of your Lordships' privileges, which it is your duty to resist and protest against. I say that, even supposing the principle of disestablishment were to be carried, the present Irish Prelates ought not to be removed from this House. Moreover, I should desire to have a provision introduced into the Bill which should secure the continuance of the representation of the Irish Church in this House, in the event of certain arrangements in regard to the appointment of Bishops being agreed to, and the Crown being advised to summon them. That is to say, that as each see became vacant the Church authority in the diocese should recommend three persons to the Crown, from whom the Crown should nominate one. And I should be disposed to couple this provision with a similar provision with regard to the Roman Catholic Church, if they would adopt the same principle that I have suggested for the Church Body — that of recommending three persons to the Crown, of whom the Crown should select one. To these Prelates, so selected and nominated by the Crown, seats might then be given in this House.

THE DUKE OF ARGYLL: Roman Catholic Bishops?

LORD REDESDALE: Yes, I am not for levelling up in any other way; but in point of honour and privilege, I would be willing to do so. And, I believe, that the introduction of Roman Catholic Bishops in that manner would not only be advantageous to the liberty of Irish Roman Catholics themselves, but would have a tendency to raise the character of the Roman Catholic clergy—especially in the higher ranks. That, however, is only a disgression, for I hope that no opportunity will arise of introducing Amendments into this Bill. As to property, I entirely agree that there is a distinction between corporate and private property. There are many kinds of corporate property; there is Church property, the property of Colleges, of municipal corporations, of city companies, and others, but to all the rights of property belong; and if the doctrine laid down by this Bill that the State can lay claim to it at any time is admitted to be sound, corporate property no longer stands upon a very secure basis. But the fact of the Church of Ireland being one of the Estates of the realm makes a greater difference in regard to its foundation from that of any other property. Property, whether of corporations or of individuals, has always been viewed and treated as property. And Parliament, when it has interfered even with corporation property, has only done so for the purpose of regulating it, so as to render it more beneficial for the purposes to which it was meant to be applied. Some short time ago, I moved for a Return of any Acts of Parliament which would afford a precedent for this Bill in their method of dealing with property—that is to say, confiscating it without any allegation of misappropriation by the body to whom it belonged, of its being dangerous or mischievous in its present application, or of the purpose for which it was originally provided having ceased to exist. These are the only grounds, as far as I know, on which corporate property has been dealt with differently from other property in this House. But, my Lords, practically it was admitted, on behalf of the Government, that no Act of Parliament could be cited as a precedent for this Bill. The result, therefore, is that this Bill is entirely new in its character, and that character is a revolutionary one. Two or three doctrines are laid down in the measure which I think are highly dangerous. You preserve private endowments; but you say that those derived from the Crown are not to be considered private endowments. I should like to know how many noble Lords' property depends upon any other foundation than grants from the Crown. At the time when the Crown made these grants, whether to individuals or to the Church, the property granted was considered in the same light as if the grant had been made by an individual; and I must say, according to the doctrine that whatever came from the Crown then is, in these times, to be considered as in a different light from what came from a private individual might lead, and may lead, to this conclusion—that Woburn should be turned into a lunatic asylum. To turn now to another question involved in this measure, much of what I should otherwise desire to have said with regard to the Coronation Oath has been anticipated by the noble Earl (the Earl of Derby). I think it improbable that anyone can look at what is going on in this country without seeing that in popular estimation immense importance is attached to the Coronation Oath. In the Petition presented by the noble Duke (the Duke of Abercorn) the other evening from a meeting in Ireland, stated to have been attended by 80,000 persons, the question of the Coronation Oath was distinctly introduced. At the great meeting in Manchester, at which certainly more than 100,000 persons—some say 200,000—were present, reference was again made to the Oath, which vast bodies of persons throughout the country certainly regard as a binding declaration. I will only say for myself that if I had taken an oath that I would, to the utmost of my power, maintain the Protestant Church established by law, and would preserve to the Bishops and clergy of that Church all their property, rights, and privileges, and if I had further taken an oath like that taken by the Sovereign of this country in connection with the Act of Union—an oath to maintain inviolate the settlement of the United Churches of England and Ireland—I could not assent to this Bill; and I believe the majority of your Lordships, placed in like circumstances, would be of the same opinion. Some persons have said that, from delicacy to the Sovereign, we ought not to have raised this question. I hold, on the contrary, that out of delicacy to the Sovereign this question should be raised and insisted upon. I do not know what Her Majesty's opinion on this subject, or on the subject of the Coronation Oath, may be, nor will I even suppose what it may be; but I state what my own feeling would be, and I say it is a matter of delicacy towards the Sovereign to declare that this question is one of very great importance, and one, therefore, which Her Majesty's servants are specially bound to attend to. We had an illustration of this necessity the other evening on the last occasion that I brought forward this subject. The noble Lord the Secretary of State for the Colonies told me—"Oh, but you know the Oath taken as to the Act of Union with Scotland only refers to the Presbyterian Church; it has nothing whatever to do with Ireland." But I say that the Act of Union with Scotland referred directly to the Irish Church. The noble Earl evidently was not aware that the 25th Article of the Act of Union directly referred to Ireland and to the settlement of the Church in that country. It incorporates "an Act for securing the Church of England as by law established," which provides that every Sovereign at his or her Coronation shall take and subscribe an Oath to maintain and preserve inviolably the settlement of the Church of England within the Kingdoms of England and Ireland, and in the Act of Union it is further enacted that—

> "This Act and the matters therein contained shall be for ever holden and adjudged to be a fundamental and essential part of the Treaty of Union between the two Kingdoms."

It is impossible, therefore, looking at these things, for any body to say that they should be done away with by a sort of side-wind, and by a clause in an Act of Parliament which has no reference to it whatever. And so with regard to both of the Acts of Union between the two countries. Supposing this Bill to become law, it would be extremely important that some direct notice should be taken of those Acts. Not one word is said about them in the Preamble of the Bill; the thing is done only in a small and indirect manner; and that is the way in which a grave and important matter is treated. There are some other points upon which I wish to have a distinct expression of opinion from Her Majesty's Government. I want to know, for instance, what the Government intend to do in respect to the Articles of Union with Scotland. If the Act remains as it stands future Sovereigns of this country will be bound at their coronation to take an oath which requires them to maintain the settlement of the Church of England in Ireland. Now, how are they to take such an oath when the settlement to which that oath refers is destroyed? What will be the effect if this Bill passes and no alteration be made upon the oaths to which I have been referring? Why, all future Sovereigns will have to swear to maintain what no longer exists. Some people will say that in that case the oath itself had better be abolished. I believe that the Government have omitted dealing with the Acts of Union in connection with this Bill because they never thought of examining what are the precise provisions contained in those Acts.

I come next to the Coronation Oath. It has been attempted to be proved that that Oath does not bind the Sovereign in her legislative capacity. Now, I believe we must all admit that the intention of an oath, and the manner in which it is intended that that oath should be binding, can most correctly be gathered from the intention of its framers. And here I regret to say that Lord Macaulay, in treating this subject historically, is incorrect in his statement of what took place in Parliament upon the occasion when the Oath was drawn up. That historian declares that Parliament never intended that the Oath should bind the Sovereign in his legislative capacity. Now, in the records of the debates which took place on the occasion I am referring to it is decidedly shown that the Oath was held to so bind the Sovereign. What fell from individuals of little note upon this matter is of comparatively trifling importance; but the opinion expressed by a man so great and well-known as Lord Somers must be accepted as coming from an authority. The question which was debated at that time was whether the words of the Oath should run as they now stand—namely, that the Sovereign should swear "that he would to the utmost of his power maintain the Protestant Church as by law established," or whether the words should be added "is or shall be by law established"—the object being to prevent the Crown being bound by the Oath so strictly that it could not even make an alteration in a matter of discipline while the words were "as by law established," and not "as shall be by law established." Mr. Somers, in discussing the subject, said he was for the introduction of the qualifying words, and why?—"out of a great regard for the Legislature." What could that mean, unless the words of the Oath as they stood would bind the Sovereign in his legislative capacity? And Mr. Somers further observed—"He who consents to take away does not maintain." Can any language be stronger than that? It is the very case of this Bill, for the Oath is to maintain, and the Bill is to take away. Lord Macaulay misquoted the matter in order to be enabled to say that it was the intention of Parliament at the time that the Oath should not bind the Sovereign in his legislative capacity. In particular Lord Macaulay quoted a small portion of the speech of Sir Thomas Lee. Sir Thomas Lee objected to a proviso excepting alterations of the discipline of the Church, and matters purely of that sort, on the just ground that the proviso by specifying those particulars would tie up the Crown more strongly in other matters. Lord Macaulay quotes the part of Sir Thomas Lee's speech in which he objects to the proviso, but he omits what he said in the earlier part. Sir Thomas Lee had voted on the former occasion for the words which Somers desired to insert; and in the opening of his speech in which he was objecting to this Amendment, he said he had previously supported the addition of those words, because it appeared to him that "the Act did too much bind the Legislature." It is clear that all who then took part in the debates understood that the Oath was binding on the Sovereign in his legislative capacity; and, certainly, the object of the Oath was for the very purpose of preventing the introduction of any measure for the destruction of the Church. It was binding on the Sovereign; and the Ministers of the Crown ought likewise to pay due respect to what were the obligations which it imposed on the Sovereign, and also to what may be the feelings of the Sovereign in the matter. I believe, in fact, that if Her Majesty is called upon to give her Assent to the measure now before your Lordships for the destruction of the Irish Church, the impression on the part of a majority of the people of this country will be that Her Majesty has been called upon to forswear herself.

The next point to which I wish to direct attention is that this Bill involves, in a great degree, the abandonment of the cause of Protestantism, Protestantism is an essential part of the existing Constitution; and it is essential for the maintenance of that element of the Constitution that there should exist in all parts of the kingdom a Church which professes that form of religion. It is impossible, in my opinion, not to see that if you abolish the Protestant Church of Ireland, you inflict a very heavy blow upon the Protestant population of that country, and leave a large number spread over the country without any religious advice or services. Now, will the blow which this measure will give be confined to Ireland? Disestablishment in Ireland would be soon followed by disestablishment in England, and, therefore, this measure will inflict a heavy blow on Protestantism. If it is passed, you will find that that Constitution in this country which has been the great support of religious liberty, and the great antagonist of Romanism, has been more or less undermined; and the evil consequences which will ensue to the cause of Protestantism will be felt, not only here, but throughout Europe, and, indeed, all over the world.

There is another point to which I wish for a moment to direct the attention of your Lordships. A right rev. Prelate (the Bishop of St. David's) expressed his belief the other evening that Parliament might, without any violation of the Divine Law, apply Church property to secular purposes. But I find what seems to me to be the direct contrary principle laid down in a passage of Scripture, in which one of the prophets of the old law, speaking in the name of the Lord, says—

> "Will a man rob God? Yet ye have robbed Me, and ye say wherein have we robbed Thee? In tithes and offerings. Ye are cursed with a curse; Ye have robbed Me, even this whole nation."

Now, there is a distinct declaration that "tithe," that which is given to the Church, was given to God, and that taking it away is robbing God. "Ye are cursed with a curse; ye have robbed Me." My Lords, I vote against this Bill, because I would not have that curse upon myself or upon this nation. I believe we have no right to take away that which is devoted to God; and we can never prosper if such a curse is pronounced upon us.

My Lords, I have examined this question very carefully; I have gone into it very deeply, and I believe the more it is investigated the more important will it appear. It may not be a question which we consider deeply when engaged in active political conflict, but the time must come when the question will no longer be—"How can I serve my party or show my devotion to it?" but, rather—"How have I served my Sovereign, my country, and my God?" I believe the reflections of that supreme hour upon the actions of this moment will be most bitter to those who, by supporting this measure, have disregarded the Divine warning against the spoliation of the property of the Church.

THE DUKE OF DEVONSHIRE: Though I have for many years had the honour of a seat in your Lordships' House, it is very rarely indeed that I have addressed you; and I believe on no occasion have I done so when the question was of so much importance as that now under consideration. Your Lordships, therefore, may well understand that I only rise with great reluctance, and be sure that I shall stand but a short time in the way of the many other noble Lords who are anxious to address you, and who are able to address you much more effectively than I am. My Lords, I do not intend to refer to the collateral questions which have occupied a considerable portion of this debate, and are, indeed, of scarcely less importance, if really so, than the main question itself—I mean the influence which the verdict of the country, as expressed by the House of Commons, ought to have on your Lordships' decision. I shall not refer to that question further than to say that I believe those opponents of the Bill who assert that a great change has arisen in the opinion of the country upon this subject are entirely mistaken. The information which I receive from different parts of the country leads me to believe that, though of late some outward manifestations have occurred against the Bill, yet the opinion of the country at large remains altogether unaltered. We have often heard the Irish Church described as an anomaly. It has been so described by many of those who oppose this Bill. It seems to me, however, that it is much more than an anomaly—that is a very mild and inadequate term to describe the condition of the Established Church in Ireland. I should rather characterize it as a scandal to the Parliament and Government of this country in having so long retained such an institution, in defiance of the religious feelings of the great majority of the Irish people; and I should call it an outrage on those who have been compelled to submit to what, in their opinion at least, they can only consider a great violation of justice, and which, if we were in their position, we should admit to be so. So strongly do I feel on this point, that I cannot but consider the question as to how we are to rid ourselves from the reproach of this scandal as a question of comparative indifference. But, in truth, I believe the choice now before us is confined within very small limits. The alternative we have is either to retain the Church as it is, or adopt a measure of this kind in its principle, and with the main and leading provisions which are essential to carry out the principle of the Bill. Of course, I do not refer to any minor modifications that may be made, and to which my noble Friend the noble Earl (Earl Granville) promised the Government should give fair consideration. But, when I say we are limited to two alternatives, I do not forget that another proposal has been made—namely, that of concurrent endowment. That is a mode of dealing with the question to which I do not deny that I, as an individual, should be inclined to give preference. But it appears to me we have arrived at that point when this proposal is not received with favour in any quarter, either in this country or in Ireland, and I am compelled to regard it as practically impossible. I hardly know whether the noble Earl on the cross-Benches (Earl Grey), who so often and consistently supported it, is himself still of opinion that it is practicable. I hardly understood from his speech the other night whether he is still inclined to favour a proposal of that kind. The right rev. Prelate who spoke on Tuesday evening (the Bishop of St. David's) avowed himself of opinion that it would be a very good thing, but he also admitted that it could no longer be carried out. Neither in England nor in Ireland does it appear to meet with any favour. The Roman Catholics, who would be themselves the chief pecuniary gainers by it, repudiate all desire for it. The Protestants of the North of Ireland appear to spurn the notion. All the speeches made at recent meetings, with so much violence and bitterness of feeling, declared that nothing was worth fighting for but the existing condition of superiority and ascendancy. Neither in this country does the proposal appear to me to meet with any favour. I do not understand that any considerable number of the opponents of this Bill would prefer concurrent endowment, and I do not imagine there is the slightest doubt that an immense majority of the constituencies, both in England and in Scotland, are strongly opposed to any proposal of the kind. It seems to me, therefore, that we are really reduced to leaving things as they are or accepting the principle of this Bill, which I admit amounts, in fact, to this—that in future the religious instruction of Ireland shall be left to be regulated by what is called the voluntary system. Now, I am no convert to the voluntary system. I believe that, as a general rule, whereas in England a large portion of the population is attached to that form of religion recognized by the State, religious endowments have very great advantages. But, whatever the original theory of Church and State, I believe that Church Establishments in the present day must stand or fall by the fruits they can show. In England we can point to very satisfactory results. In no respect do those results appear more satisfactory than when we consider to how great an extent those large funds in the hands of the Ecclesiastical Commissioners have been made instrumental, in conjunction with voluntary contributions, in promoting the cause of Church extension in some degree adequate to the population of the country. But in Ireland the picture is altogether reversed. There the Established Church can, in no sense of the word, be called the National Church. It is wanting in the one essential condition of a National Church, inasmuch as it is the Church of a small minority. To my mind this point is absolutely conclusive. I have always watched with curiosity to see what could be said by the opponents of the Bill against the argument that it was unfair that the Church of the small minority should be placed in a position of superiority and ascendancy; and it appeared to me that, however boldly they came to the attack, they never really grappled with the matter, but rapidly turned attention away to some collateral point. I will briefly refer to one or two arguments used in opposition to the views I am endeavouring to enforce. It is alleged that there is a feeling of indifference on the part of Roman Catholics on this question, and that most of them take a much greater interest in the land question. Now what does this amount to, unless you can show that by settling the land question you will get rid of the Church question? But that which in my mind disposes of this supposed indifference of the Irish people, is the character of the returns at the last election, when scarcely a Member in any Roman Catholic part of the country was returned who was not in favour of the present Bill. As to the consequences to be anticipated from this Bill on the Protestantism of Ireland I will say a few words. I am by no means indifferent upon that matter; but considerations of justice are irresistible. I have no sympathy with the violent language used at recent Protestant meetings, but I have no doubt that a number of sober-minded people regard with apprehension the consequences of this Bill. I cannot think that there is cause for alarm, or that the means of Protestant worship will be seriously endangered. In the North of Ireland there is little doubt that Protestantism will be quite able to take care of itself. It is, no doubt, in the South and West that difficulties, if any, will arise; but in such a case it is not to be supposed that the Protestants of England—the wealthiest community in any part of the world—will look on those difficulties with indifference, or refuse sympathy and aid for their removal. In my opinion the Protestant faith in Ireland will never languish in consequence of the Bill now before your Lordships. There is one point personal to myself and some few other noble Lords in this House which I also desire to refer to. I have heard that it has been asserted or insinuated that those who, like myself, are in possession of property which once belonged to monasteries, are in a position rendering it peculiarly unfit that they should be found among the supporters of this Bill. I do not know whether any reference to this point will be made in your Lordships' House, but I am told that the statement has been made in the other House, and I know that it was most unscrupulously put forward and with the grossest exaggeration, during the late elections, whenever it was thought likely to injure candidates with whom I am connected. The nature of the imputation is that, whereas we are perfectly willing to join in what is called the "plunder of the Church," we give no indication of being willing to surrender that property which now belongs to us, but which once belonged to the monasteries. Though I feel very strongly that there is a great distinction between public and private property, from whatever source the latter may have been derived, that is not the question I wish to notice on the present occasion, because the insinuation to which I have referred is based on a total misapprehension of the real point now at issue—for this Bill is not based on the principle of restitution—it is not to be considered a reversal of what was done at the Reformation; and I am not aware that the promoters of of this Bill have ever recommended it on the ground that the Church property was wrongly transferred from the Catholics at that time, and ought now to be restored to them. Indeed, if this Bill were founded on the principle of restitution, the relative proportion of Catholics to Protestants would be altogether immaterial, because the duty of restitution would be the same even if the Protestants in Ireland were the great majority. The Bill is founded on the plain broad principle that it is contrary to justice to place in a state of superiority a Church whose doctrines are only accepted by a small portion of the population; and upon that question I consider myself as free and unfettered to form an opinion and give a vote as any other noble Lord in the House. Concurring in that principle, I shall most cordially support the second reading of the Bill. I regard the measure as indispensable for laying a foundation for the removal of that estrangement and alienation with which Ireland has so long regarded England. If this Bill should be rejected, what reason would there be, supposing its rejection could be permanent, for expecting that Ireland in the future would be anything different from what it has been in the past, and, in such case, could we contemplate such a prospect without utter despair? I believe this is the first step for the removal of one of the most frightful sources of discontent in that country; and as such I support it as one of the most just and beneficent measures ever presented to my consideration since I have had a seat in your Lordships' House.

The Marquess of SALISBURY: My Lords, the noble Duke who has just sat down (the Duke of Devonshire) is one of those who supports this Bill in its entirety. Though it is probable that I shall not differ from him materially in regard to the issue—or at least shall not oppose him in the issue to be placed before the House at the close of this debate—still I differ sufficiently from him both in his views and in the manner by which he arrived at his conclusion. I am one of those who cannot find sufficient reasons to justify me in voting against the principle of the Bill, but I entertain a deep objection to many of its details. It is that argument which I now desire to lay before your Lordships. As regards the question of disestablishment, I do not think that many speakers in this debate have ventured to treat that as an open question. My noble Friend who opened the debate this evening (the Earl of Derby) did indeed say that he was opposed entirely to the principle of this Bill; but the whole of his argument bore so exclusively on the details that I could not help doubting whether, if the principle of disestablishment had been placed before him by itself, he would have thought it right to record his opinion against it. The right rev. Prelate (the Bishop of Peterborough), in his splendid argument on this subject on Tuesday night—one of the most splendid arguments which for many years past has been heard in either House of Parliament—distinctly said that the principle of Establishments was irrevocably gone. Now we have to-night, upon that principle of Establishments, received a challenge which I feel it is our bounden duty to meet. The noble Lord the Chairman of Committees, as I understood him, stated that the Sovereign having taken the Coronation Oath which she has taken, she would be committing perjury by assenting to this Bill. I think my noble Friend said would "forswear herself."

Lord REDESDALE: I guarded myself by saying if she entertained the same opinion which I entertain on the subject; but I distinctly stated that I did not wish to assume what the opinion of the Sovereign might be.

The Marquess of SALISBURY: At all events, I feel that after those very strong expressions as to the duties of the Sovereign, it behoves some of those who follow the noble Lord to state their opinions on that question. Now, for myself—it may be a defect in my own intellectual construction—I have never been able even to understand the argument based upon the Coronation Oath and the Treaty of Union. Every treaty, every engagement, whether it is made in the solemn form of an oath, or in the inferior form of a treaty, implies in its very nature the existence of some person in whose favour it is made, and of some person who may be released from its obligation. That you can have made a treaty or sworn an oath with the dead, who cannot rise from their graves to remit that oath or forego the advantages of that treaty, must be so utterly baseless, that I cannot understand how the idea can have originated—because it involves the inexpressible absurdity that an oath taken in the days of Adam may have lasted to this time, binding the whole human race under circumstances absolutely different from those of the Paradisiacal period, and that the duties of mankind may have been settled for ever by the act of one single individual at that time, and we might never be able to escape from them. It is quite clear to my mind that the Coronation Oath and the Treaty of Union imply the existence of some person with whom the treaty is made and of some person in whose favour it is made. The Coronation Oath was taken in the face of the English people. The Treaty of Union was made with the Irish representatives.

If the English people are content to forego the execution of the Coronation Oath, and if the Irish representatives no longer exact the benefits secured by the Treaty of Union, the obligation which was thus imposed absolutely determines. Now, with reference to the case of the Established Church. I will not have it supposed—as my noble Friend who began the debate supposed of my noble Friend near me, and supposed erroneously—that it was with any feeling of congratulation or any feeling but that of deep regret that I saw the principle of an Establishment condemned in Ireland. But I cannot help seeing not only that the principle is irrevocably condemned, but that whether we join in the condemnation or not, most of the evils apprehended from that step have already occurred, and are irrevocable. The noble Earl who began this debate, in the course of his observations, was pleased to refer to the opinions expressed by a good many of your Lordships, and to mine among the number. I thought it was hardly necessary that he should select me for the exercise of his powerful lash, because he already knew that I was prepared to abide by the decision in favour of disestablishment. But as those words of mine have been quoted here and "elsewhere," I wish to say a word or two with respect to the position of this House as it relates to the other branch of the Legislature and the nation at large. It has been represented that, in admitting it to be the duty of this House to sustain the deliberate, the sustained, the well-ascertained opinion of the nation, we thereby express our subordination to the House of Commons, and make ourselves merely an echo of the decisions of that House. In my belief no conclusion could be more absolutely inconsequential. If we do merely echo the House of Commons, the sooner we disappear the better. The object of the existence of a second House of Parliament is to supply the omissions and correct the defects which occur in the proceedings of the first. But it is perfectly true that there may be occasions in our history in which the decision of the House of Commons and the decision of the nation must be taken as practically the same. In ninety-nine cases out of 100 the House of Commons is theoretically the representative of the nation, but is only so in theory. The constitutional theory has no corresponding basis in fact; because in ninety-nine cases out of 100 the nation, as a whole, takes no interests in our politics, but amuses itself and pursues its usual avocations, allowing the political storm to rage without taking any interest in it. In all these cases I make no distinction—absolutely none—between the prerogative of the House of Commons and the House of Lords. Again, there is a class of cases small in number, and varying in kind, in which the nation must be called into council and must decide the policy of the Government. It may be that the House of Commons in determining the opinion of the nation is wrong; and if there are grounds for entertaining that belief, it is always open to this House, and indeed it is the duty of this House to insist that the nation shall be consulted, and that one House without the support of the nation shall not be allowed to domineer over the other. In each case it is a matter of feeling and of judgment. We must decide by all we see around us and by events that are passing. We must decide—each for himself, upon our consciences and to the best of our judgment, in the exercise of that tremendous responsibility which at such a time each Member of this House bears—whether the House of Commons does or does not represent the full, the deliberate, the sustained convictions of the body of the nation. But when once we have come to the conclusion from all the circumstances of the case that the House of Commons is at one with the nation, it appears to me that—save in some very exceptional cases, save in the highest cases of morality—in those cases in which a man would not set his hand to a certain proposition, though a revolution should follow from his refusal—it appears to me that the vocation of this House has passed away, that it must devolve the responsibility upon the nation, and may fairly accept the conclusion at which the nation has arrived. My Lords, I cannot think that in thus stepping aside we are abdicating our duty, or are showing that want of courage with which the right rev. Prelate charged us the other night. It is no courage, it is no dignity to withstand the real opinion of the nation. All that you are doing thereby is to delay an inevitable issue—for all history teaches us that no nation was ever thus induced to revoke its decision—and to invite besides a period of disturbance, discontent, and possibly of worse than discontent. Now, I am jealous of any language which may seem to trench on the prerogative of this House, and I have tried to guard my words against any interpretation which should seem to imply that, in the ordinary course of legislation, there is any inferiority between one House of Parliament and the other. But one of the rare occasions to which I have referred has now occurred. The opinion of Scotland and Ireland, and I may add, of Wales is passionately in favour of this measure of disestablishment. England, though more doubtfully and languidly, is also in favour of the same measure. And looking at these facts, and at the general current of opinion; looking at all quarters of the political horizon, and seeing succour in none; seeing that the opinion of literary men is against you; seeing that the mass of religious opinion among Dissenters and Catholics is against you; seeing that what the Foreign Secretary laid so much stress on last year—the opinion of foreigners—is also against you, though I take this opinion not as worth much as a guide to our conduct, but as worth a good deal as indicating the tide of opinion—seeing that nowhere is there any appearance of any movement that can reverse the decision of the nation, save in assemblages of which the power has been tried and has been so often found wanting — on all these grounds, my Lords, I can conscientiously come to no other conclusion than that the nation has decided against Protestant ascendancy in Ireland, and that this House would not be doing its duty if it opposed itself further against the will of the nation. But I hold that there was no point on which the rev. Prelate (the Bishop of Peterborough) was more clear on Tuesday night than that the verdict of the nation is confined to the question of Protestant ascendancy — that is, the question of Establishment, and of such an endowment as is inseparably involved in that Establishment; and when we come down from these questions to the details of the Bill it then seems to me that Ministers have gone largely beyond the commission they have received, and that they have not abided either by the decision of the nation or by the promises which they made to the nation before the dissolution. I see the noble Duke the Minister for India in his place, and I would venture to make a quotation again from a celebrated speech of his, and I should like to ask him how he can reconcile his speech on the Resolutions of last year with the provisions of this Bill. This is a point on which he must be a competent witness. The momentous Resolutions of last year introduced something like a revolution into this country. They were drawn up by a very few persons, and if common rumour is not wrong, the noble Duke was one of those who drew them. The noble Duke, therefore, in a passage which I am about to quote, spoke with an authority which gives an interpretation to the result of the elections, and which may serve as a guide to us in the endeavour to ascertain what the meaning of those elections was. "There is a great distinction" says the noble Duke "between disendowment and disestablishment, and it was not without a set purpose." The noble Duke knew all about the "purpose"—and deliberate and careful intention that the word 'disendowment' was avoided"—he does not tell us that the word disendowment was meant for the elections; it was "avoided"—

> "And disestablishment was inserted in the Resolution. That course was adopted for the very good reason that, as far as I know, no human being proposes to disendow the Established Church altogether. . . . Nobody has ever proposed to deprive the Church of endowments derived from private benefactions."—[3 *Hansard*, cxciii. 174.]

That was true then; but since then it has been proposed to deprive the Church of these private benefactions, and that which was regarded as monstrous a year ago now forms a chief part of the principle of the Bill. But, more than this, the noble Duke went on to say—"Under the scheme sketched by Mr. Gladstone"—the sketch appears to have been easily rubbed out—"the Church is to be left in possession of the churches and parsonages, and of some land adjacent." Now, however, all this disappears, and the Church has to pay for its churches and parsonages, while as to giving it the land adjacent it would be a proposal that would raise the Roman Catholics in rebellion—

> "So," continues the noble Duke, "that it could not in perfect strictness be said that the Church under that scheme is to be wholly deprived of its endowments."—[*Ibid.*]

The noble Duke added—

> "Besides, it is at the option and discretion of Parliament to what extent disendowment shall go. Therefore, those Members of the House of Commons who voted for that Resolution are perfectly free to vote for any sort of compromise in respect to the endowment of the Church."

So, then, the Members who were elected under a pledge to abide the principle shadowed out in the Resolutions were also free to vote for any sort of compromise. I trust that, with these words before them, no Member of the Government in this House will attempt to tell us that any sort of compromise with respect to the endowments of the Church is inconsistent with the principle on which the majority of the Members of the House of Commons were returned at the last elections. I am not now going to enter into details, because details had better be reserved for Committee. I will proceed to state what I conceive to be the cardinal fault of this Bill. Its cardinal fault, it appears to me, is that it is ungenerous. You give nothing — absolutely nothing — to the Church which you are not forced by some other consideration wholly independent of the Church to give her. Much has been said about the large amount of money which is to be paid in the shape of providing for life interests; but you dare not — had you been Mahomedans you dare not refuse that. Your life interests have been given, not out of any tenderness to the Church, not from any desire to make the change from a state of comparative comfort to one of disendowment as little distressing as possible, but because you found it necessary to observe a rule which to break would be to render every portion of the public service unmanageable. Again, you give her the private endowments; but if you really wished to be generous you would give her the whole of those endowments. Instead of doing that, however, you take, as the right rev. Primate said, on a former evening, the mystical limit of 1660, for fixing on which nothing approaching a reason can be assigned. There you draw the line. Why do you do so? Perhaps you were afraid that if you took away all their private endowments from the Protestants the Roman Catholic endowments would not be safe at some future turn of the political wheel, when the Protestants were stronger than they are at present. It is therefore in their interest, and not in ours, that you have fixed upon this limit. In the same way we hear a great deal about the generosity of giving up the churches. Well, it is said that Mr. Miall intended to give us the churches. I cannot see much generosity in that proceeding. I am quite sure that anything that Mr. Miall could have kept from the Church he would have denied her; and seeing that this remarkable scheme which is now before us—and which we are told is not a plagiarism, but merely the coincidence of two analogous minds — corresponds with that of Mr. Miall in this respect there may be good reason for giving these churches, wholly independent of any tenderness for the Church itself. The reason is obvious. I would ask any one who knows anything of Ulster what would be the effect of having a Roman Catholic priest celebrating mass there in a Protestant church? The Roman Catholics know perfectly well that such a thing would be impossible. I have, I must say, been very much puzzled how to account for the great severity of the treatment of the Protestant Church in this Bill. I do not accuse each individual Member of the Cabinet of being actuated by a spirit hostile to that Church; and I am sure my noble Friend the Secretary for the Colonies is incapable of being actuated by a spirit of hostility against anybody. But the collective action of the Government is not the less ungenerous on that account. I need not remind your Lordships of what Sidney Smith said with respect to the difference between a corporation and an individual—that a corporation with respect to its soul, as in respect of certain portions of its body, was not liable to the same consequences as individuals. It may, therefore, well be that, with the most complete individual impulse on the part of the Members of the Government to generosity, the result of its united and, perhaps, conflicting action has been somewhat harsh. That harshness, however, I believe not only cruel to the Protestants, but politically a great mistake. You tell us that this is a measure of justice and of restitution—that it is meant to bring about peace and to inaugurate a new policy in the history of English legislation in Ireland. I believe you intend that your measure should produce such results; but why accompany it with accessories so cruel, so stingy, so mean, as they have been well described to be by the right rev. Prelate opposite? Just consider for a moment who those Protestants are with whom you are dealing. Judging from the language which has been used by some of the Members of the Government, the Protestant Church in Ireland would appear to be some horrible monster which had so harassed and annoyed the English Government that it was at last found necessary to suppress it. But was the Church originally of Irish origin? Was the Protestant Church in the North of Ireland, I would ask, set up by Ulster? Were her Bishops appointed by Ulster? Was the policy which she represented of Ulster invention? That word "Orange," which I believe is now looked upon as a term of deadly reproach, is it of Irish origin? The truth is, there never was a policy with which England so deeply sympathized, or for which she is more completely responsible, than that which is known as the establishment of Protestant ascendancy in Ireland. It was no question of Royal interest or aristocratic interposition. The English people themselves, with a strong and determined hand, interfered in the matter; and because perverse attempts were made to lighten the yoke on the Roman Catholics, and to raise them over the Protestants, they sent one monarch to the block and another into exile—they terminated a dynasty in order to prevent any relaxation of Roman Catholic restrictions. That was the policy which William the Deliverer, as he is called, was forced to adopt; and it was the laws which the English people inaugurated and the spirit which they encouraged which embodied themselves in what you call Protestant ascendancy in Ireland, and which is responsible for all the evils which have since been produced in that country. The truth is, that for many centuries the English people—and the Scotch people too—deliberately adopted a certain policy, for which they set up a garrison in Ireland to carry into effect; and as time went on that policy was found to be inconvenient, and they have now come to a resolution that it should be relinquished; they now think that they will be virtuous, and they accordingly are ready to abandon the garrison which they themselves set up, to cast upon it the obliquy of all that has occurred; they put a few millions sterling into their pockets, and turn round and say to Europe—"See what a magnanimous people we are." I confess I went thoroughly with the right rev. Prelate opposite in the sarcasms which he seems to me to have justly launched against such hypocritical professions of magnanimity, which do not involve upon our part the sacrifice of a single shilling—for the whole magnanimity of the English people in this matter consists in relieving themselves of a farthing of the income tax, and in the sacrifice of those whom they had induced to trust in their protection. I was surprised to hear my noble Friend the Colonial Secretary, whose opening speech was so full of courtesy and good-will, speak of the Irish Bishops as being responsible for the atrocious measures which passed the Irish Parliament. Does he forget Poyning's Act, in accordance with which every Act which passed the Irish Parliament must first be approved by England. Hurl your invectives and your vituperation as you please against past Irish Parliaments, they will strike, not Protestant Ulster, but the English people. Now, it appears to me that the Government will do wisely to re-consider this matter, and see whether in this House—where they are not obliged to play into the hands of the extreme party—they cannot give freedom to their more generous instincts, and whether it will not be wise to give better terms to the Protestants of Ulster. You seem to think you have done all that is necessary when you have secured to the Bishops and the clergy their life interests—acting apparently on a principle which is rather opposed to the usual English notion, that the Bishops and the clergy constitute the whole of the Church. You forget that by what you are about to do every sincere Protestant of Ulster will be a heavy pecuniary loser, for whereas before his spiritual ministrations were furnished him for nothing they will in future be furnished only for heavy payment. I therefore ask the Government whether this be just, and whether if it be just it will not be wiser to grant more generous terms? I believe that the present effervescence of Protestant feeling will pass off; that the loyalty which the Orangemen boast, they will in the future display; but still, for myself, I cannot conceive the profound impolicy of irritating them with a sense of injustice. If it were a mere question of idiots and lunatics—if it were merely a question of employing a few hundred more trained nurses, or of maintaining a few more reformatories—bear in mind that the land already bears the obligation to provide all that is necessary in those respects. If it be not a question of high policy, but only of a few pounds, shillings, and pence, I trust that when we come to consider this Bill in Committee the Government will see the policy of giving us more generous terms; and I have again to appeal to them not to give the answer that was so generally given in the other House, that such generosity was inconsistent with the principle of the Bill. There is another argument to which I wish to refer. Canada has been a good deal referred to in this debate. It is urged that the Irish disendowed Church will flourish because the Canadian disendowed Church has flourished. I want to show you that absolute severance from the State does not involve complete disendowment. In Canada the disendowment is anything but complete. Out of the whole of the cures, almost 400 in number, the Pocock rectories, fifty-seven, I think, were left untouched. Not only, therefore, was one-seventh of the property of the Church left untouched; but as these rectories had been bestowed upon the town districts, they represented, as far as money value was concerned, a far greater proportion. Now I want you to hear the Preamble of the Bill under which that was done—an Act which had the sanction of a Liberal Government of which the present Prime Minister was a member. That Preamble commences—"And whereas it is desirable to remove all semblance of connection between Church and State." It follows, then, by the authority of the Government of the day, that all semblance of connection between the Church and the State could be removed, and yet so large a proportion as one-seventh of the endowments could be retained for the service of the disestablished Church. It appears to me that this effectually negatives the idea that any such proposals of mitigation as we shall probably offer in Committee are in any way inconsistent with the principle of the Bill. I have gone thus far—I am conscious with what unequal step—by the side of the right rev. Prelate who addressed the House the other evening. But I imagined that when he had got so far as this he had made out an effective case for the second reading of the Bill. The right rev. Prelate said that he considered the question of Establishment as irrevocably gone, and he showed, to my mind most conclusively, that great amendment in Committee was necessary. But having told us that he considered the principle of Establishment was irrevocably gone and that Amendments in Committee were necessary, he was about to join in a vote which would render the carrying of those Amendments impossible. My Lords, I am free to confess that I cannot go so far as he does. The right rev. Prelate taunted us in a series of sarcasms, bitterly conceived and brilliantly expressed, with a want of courage in case we did not adopt the opinions he urged. But I feel that I should best show myself a fitting pupil of the right rev. Prelate—I shall best pay homage to his distinguished eloquence by acting upon his premises and disregarding his conclusions. I have been told, I believe by my noble Friend who opened the debate this evening—and I think the right rev. Prelate expressed himself something to the same effect, that it would be of no use to go into Committee with a view of proposing Amendments, because Amendments would not be accepted. ["Hear!"] The right rev. Prelate, I think, cheers that statement. But how do you know those Amendments will not be accepted? I dare say that the noble Lords on the Bench opposite will oppose whatever they think to be objectionable, and we shall go to a vote, and the decision of the House will be recorded one way or the other; but when that decision is recorded, and the Amendments go down to the other House of Parliament, I know nothing to lead me to believe that those Amendments will be contemptuously disregarded. I am told that during the debates in the other House of Parliament the Ministry arrogantly refused all Amendments, and that, therefore, they will oppose all Amendments carried by this House. Now, in these days, we live so fast that we are apt to forget what happened a year or two ago. Now, I remember that, a year or two ago, Mr. Disraeli, who, whatever other criticism he may have laid himself open to, cannot be called arrogant in the refusal of Amendments,

—I remember the right hon. Gentleman refusing almost, in terms of contumely, the minority clause which was moved by Mr. Lowe. When the Bill came up to this House my noble and learned Friend (Lord Cairns) moved an Amendment very much in the spirit of the one which was proposed by Mr. Lowe. The Amendment was supported by Lord Russell, was opposed by the Government, but was adopted by the House. When the Bill returned to the House of Commons Mr. Disraeli said that, though his opinions on the subject were still unchanged, something was due to the other House of Parliament, and that it was necessary to the passing of the Bill that the Amendments should be adopted. If anyone had started up and said—"It is of no use voting upon this minority Amendment. The Government have arrogantly refused all Amendments in the House of Commons. What is the use of sending it down to the other House of Parliament when you know they will not accept it?" would he have been justified by the event? Well, I ask you to apply the experience of that year to this case. It would be a different matter if I knew that Mr. Gladstone would contemptuously refuse all Amendments; but I do not see that, *primâ facie*, he has the power. It is true that the Government possesses a large majority in that House; but they know very well of what materials majorities in England are made. They know that they have had an uninterrupted flow of success; but the principle of "*Væ victis!*" has never yet been recognized as a principle in English politics. They know that the English people will turn even against the most trusted Minister who tries to use his victory in a relentless and uncompromising spirit. Compromise is the very essence of English politics; and it is not because I see a Minister with a majority of 115 that I believe the spirit which has pervaded English politics ever since our history existed can be suddenly banished from them. Therefore, I confess, I regard with utter incredulity the statement that Mr. Gladstone would refuse all Amendments that might be proposed. But even if he did —let us suppose the worst. Let us suppose any amount of arrogance. But compare their position then, when the refusal is sent back to us, with their position when the rejection of the Bill comes from us. Reject this Bill now and you will tell the English people that you have determined upon offering an uncompromising resistance to the decision which they have unhesitatingly pronounced. An uncompromising resistance! Are you going to invite more pressure? Are you waiting for stronger motives for concession—possibly in the conduct of people out-of-doors? My Lords, the picture which such a policy calls up before me is too terrible. It bears upon it principles too fatal to the very existence of our Constitution for me to explain in detail the results that will follow the adoption of a policy in every way so disastrous as that of waiting for more pressure. What will follow? No, my Lords, I can only argue with the opponents of this Bill upon the principle of "No surrender." Whether they are prepared to adopt that principle or not, whether they are prepared to provoke the consequences of a conflict between the House of Lords and the people; I do not know, but it is only upon that basis that I can argue with them—because I am sure that the policy of waiting until a civil war in Ireland and disturbance in England have marked in larger and more terrible characters the will of the English people is the most disastrous I can conceive. Well—suppose Mr. Gladstone does arrogantly refuse to accept any Amendments—suppose he threatens attempts at coercion—suppose he suggests a refusal of Supplies—a remedy that appears to me so comical that I should almost like the sensation—to refuse the Supplies would no doubt be very disagreeable to soldiers, and police, and other people—[*A laugh*] —but it would not much affect us. Suppose Mr. Gladstone should refuse the Supplies, or adopt any other *coup d'état;* suppose he should go to the nation for support against the House of Lords, and tell them—"The Lords have put 1560 in the Bill where I had put 1660; they have put fourteen years where I had put thirteen years' purchase as compensation for life interests; they have given a bit of glebe land to this person or to that person; and we now call upon you to destroy the Constitution, and to dispense with the House of Lords." But do you imagine that the people of England are fools enough to respond to that invitation? No, my Lords, the people of England interfere for great and broad principles, which form turning points in our policy; but they leave the decision of the details of those principles to be carried out by the authorities to whom the Constitution has entrusted the settlement of those details, and to whose decision they have always been accustomed to submit. My Lords, I do not believe that any Minister, however great his talents, however brilliant his success, is powerful enough even to threaten an independent branch of the Legislature, if in details of this kind its opinions do not chance to coincide with his own. My belief is that by refusing the second reading of this Bill you are accepting the battle-ground offered to you by your adversaries, instead of taking that which you might have selected for yourselves. You are carrying on the contest at every disadvantage, instead of accepting the battle where every advantage is in your favour.

My Lords, the right rev. Prelate who addressed us the other night spoke in eloquent terms of the verdict which the English people would pass on our conduct. I confess I have not the courage which he suggested we ought to have, but which from his sarcasms he seemed to imply that some of us had not, and which, no doubt, he wished to communicate to us from his own ample store. Even at the risk of admitting the cowardice which the right rev. Prelate so severely censures, I own there is one thing I do fear. I do fear the verdict of history in reference to the course which the House of Lords will take on this question. I believe there is a great opportunity for the House of Lords, which, if we refuse it now, we will not easily regain. I dread lest future historians should say—"The House of Lords, having gained a high position by its judicial impartiality, professed on this question to fling itself into the ranks of one of the contending factions with all the enthusiasm of the wildest partizan. The House of Lords had an opportunity of consulting and acting upon its own high traditions, and maintaining its own unbroken course in the midst of the conflict of parties. It preferred to draw its inspiration from, and to obey the desperate counsels of irresponsible agitators. The House of Lords had an opportunity of saving for the Irish Church all that it was possible to save; of giving it a fair start and giving it a brilliant promise of future usefulness; it preferred to waste all its opportunities in idle protest and mischievous delay." I confess, my Lords, I should dread such a verdict as this. But I do not believe the House of Lords will expose itself to such perils. I believe it will listen to the real wants of the Irish Church, and not allow this golden opportunity to pass, which, if it passes is lost for ever. I believe the House of Lords will also remember that no force, if propelled, remains as it was. It either declines—and in this case there is no reason to think the force will decline—or it returns with greater power. And this agitation, whose force you can now regulate and control—if repelled, will come back upon us when we shall no longer be in a condition to deal with it on equal terms. I quite acknowledge that, in coming to the decision such as that to which I think we ought to arrive, all who hold the opinions I do must feel great pain. For a long time the question has cost me much anxiety and pain; but I confess I have no doubt as to the course we ought now to take. In taking that course we may disappoint many who have looked to us for succour; we may provoke the defection of partizans; but hereafter we shall be rewarded with the blessings of all calm and right-thinking men. We shall be rewarded by the reflection that we did our duty in spite of taunts from one side or the other, and that we did not depart from that line of impartial statesmanship which the traditions of this House ought to prescribe to us to adopt. We shall be rewarded by the reflection — come when it may, be the censure upon us what it may — that we did all in our power to rescue the Irish Church, and mitigate the fate preparing for her, and that we did our duty to our country and our Queen.

Lord COLCHESTER was understood to say that, in giving his vote upon an issue which might involve many unforeseen and, perhaps, disastrous consequences, he had, in taking a course which some might think an imprudent one, well counted the cost, and had not, at any rate, acted on any partial view of the matter. He had listened most attentively to the debates, but he had failed to be convinced by the arguments he had heard in favour of the Bill on the ground of justice. The principle of this Bill was the severance of the Church from the State; and what their Lordships had to consider was, whether this was a principle which, if the case was ours, we should be content to adopt for ourselves. The Roman Catholic Church itself condemned the severance of the Church from the State. The only clear principle on which the Bill could be argued on the question of justice was that laid down by the noble and learned Lord (Lord Romilly)—that of absolute religious equality. But the adoption of that principle would be equally destructive to the Church of England and Scotland. It was said that by destroying the Irish Church they would remove a badge of conquest; but if they could altogether remove this Protestant Church from Ireland, would no other evidence remain of its being a conquered country? The destruction of the Established Church would not alter history. They were told that when Episcopacy was abolished in Scotland the people immediately became more loyal; but those who used that argument seemed to forget the state of Scotland during the following century. He would quite give the Bill the credit of pacifying Ireland to the extent to which Scotland was pacific or loyal in 1715, 1745, and later years. If that were all he did not think much would be gained for Ireland by this Bill. It was not the English Church and English monarchy, but the men who had overthrown the Church and this House, and executed the King, who left to Ireland the bitter miseries of the crimes of Cromwell and the tyranny of his armies. Mr. Bright, in the other House, claimed for modern Dissenters the liberality and toleration of their Puritan predecessors. He gave them full credit for quite as much toleration as they could find to admire in those who massacred the inhabitants of Drogheda or exiled the Catholics to Connaught. You could not quite remove all badges of conquest, for a people's history cannot be utterly blotted out; but the State and the Church, both equally responsible for the past, now only sought, the one to remove ancient feuds, the other to tolerate others while holding its own rights. With respect to what had been said as to the result of the late elections being the verdict of the nation their Lordships would perceive the difference between the verdict of a jury and the verdict of a nation. In the case of the jury the verdict was unanimous; but this could not be said to be the case with regard to the opinion expressed by the nation on this measure. Of what did the majority consist? In Ireland it was composed of those who had in reserve a demand of far more importance to them than the disestablishment of the Church. He referred to the land question. In Scotland the majority consisted of those who were opposed to the Establishment of that country; while, in England, a large portion of the supporters of the measure were the adherents of the Liberation Society, who, if they had power, would carry the question much further than the measure now before their Lordships. Was there, then nothing to be said on the other side? It should be remembered that an important section of the community had unmistakably pronounced against the Bill. This had been the case in the City of Westminster, in the densely populated county of Lancashire, and in other influential constituencies. Were their Lordships then to tell these people that they were powerless in the matter? The conflict was one that had not been sought by their Lordships, but one which had been forced upon them; and, if that House ever was to come to a conflict with the democratic spirit of the country, now was the best time for that conflict, when the opinions of that House were approved by a large number of the people. He felt, though not one that undervalued a seat in that House, that if it must abandon its convictions and disappoint and cheat its friends in obedience to a discordant verdict and a divided and faltering people, its privileges would be valueless, and in spite of contrary advice must think most applicable the words of the ancient satirist—

"Summum crede nefas animam præferre pudori,
Et propter vitam vivendi perdere causas."

Earl STANHOPE: My Lords, I am not desirous to trespass upon your Lordships by many observations. I would, indeed, readily have rested the course which I intend to take on that most able and eloquent speech which we have just heard from my noble Friend (the Marquess of Salisbury), and I might justly fear to weaken the importance of his argument by repeating it in my own words. But still I do desire to address your Lordships, not only as a Member of this House, but from the position which I held last year as a Member of the Commission which was named by the late Government to inquire into the temporalities of the Irish Church. I desire to explain—what hitherto has not been explained—the basis on which the Report of that Commission was founded. Although the terms of the Commission were limited, it might have been in our power, had we wished it, to express—or, if not to express, at least to imply—an opinion unfavourable to the maintenance of the Church Establishment in Ireland. And certainly we could not be blind to the anomaly which, unhappily, lies at the root of the whole matter—that the Church, though established, is the Church only of one-sixth or one-seventh of the people. But we felt upon that Commission that the very fact of the anomaly having so long existed, and being so clear and plain to view, did in itself afford a proof that there must be the strongest reason for its existence. Just observe how this matter stands. Since the beginning of this century the Church Establishment in Ireland has had to be considered by the foremost statesmen in our country. It has been considered by Pitt and Fox, by Castlereagh and Canning, by Plunket and Grattan, and within later times by the late Sir Robert Peel, and the late Earl Grey. All these were statesmen not only of the greatest sagacity but of the greatest courage. How was it, then, that when they had to consider this Established Church in Ireland, not one of them proposed to lay even his little finger upon it? Why was it that not one of them ever proposed to dissever the connection of Church and State in that country? Why, because they felt—as we upon the Commission felt—that though the establishment of this Church was an anomaly, yet, in the course of centuries, it had become an anomaly which had entwined itself round the very vitals of the body politic, and that any attempt to dissever it from the State must be one attended with considerable suffering, if not with considerable danger. The Commission further considered how very recent is the actual agitation against the Irish Church. You can scarcely name any statesman or writer of note, until the last twelve or fifteen years, who did not advocate the maintenance of that institution. Lord Macaulay is no exception, although he has been quoted as being an opponent of the Irish Church Establishment, because he described in his usual vivid style, and, perhaps, with a little exaggeration, the great anomalies which that Establishment did present. Persons often quote the description, but they are not really aware of the practical conclusion at which Lord Macaulay arrived. I should like to quote that conclusion, and it is the only quotation I shall make. Lord Macaulay sums up the question thus—

> "A statesman judging on our principles would pronounce without hesitation that a Church such as we have described it never ought to have been set up. Further than this we will not venture to speak for him. He would doubtless remember that the world is full of institutions which, though they ought never to have been set up, yet, having been set up, ought not to be rudely pulled down; and that it is often wise in practice to be content with the mitigation of an abuse which, looking at it in the abstract, we might feel impatient to destroy."

Such were the words of Lord Macaulay, in 1839, in his Essay upon the youthful work of the present Prime Minister. Now it was upon this principle that the Irish Church Commission proceeded. We advised the maintenance of the Church Establishment, but we desired at the same time to reform its abuses, and to lop off its superfluities. With this object we recommended a reduction in the number of its bishoprics, which were wholly out of proportion to the number of its people; and we further recommended that the surplus income thus obtained should be applied to increase those benefices which, in many parts of Ulster, were entirely disproportionate to the wants of the Protestant flock. The object of the Commission was, in short, to make the Church more perfect than at present; to reform abuses, and to lop off superfluities which have so frequently invited attack, with a view to render the Church more efficient and more conducive in its operation to the high ends for which it was established. But what ensued? It was the misfortune of our Report that it came too late, and recommendations which, if the Report could have been published earlier, would have attracted attention, and possibly been received with favour, were put aside and disregarded. The electioneering campaign had begun, candidates were already pledged, voters already influenced; and the consequence, I am sorry to say, when we came to the General Election, was, that the majority of the constituencies of the United Kingdom plainly declared against the Establishment of the Church of Ireland; they would not have it either as it now stands, or in the modified form which the Commission recommended. Therefore, looking at the result of the General Election, much as I regret it, I find myself wholly unable to agree in the conclusions of the noble Earl who commenced the debate this evening (the Earl of Derby). I feel bound to concur with what was said by the right rev. Prelate (the Bishop of Peterborough) in his most able speech—a speech which will not soon fade from the recollection of your Lordships—that as regards disestablishment, that question was decided at the last General Election, and I have very little hope of that decision being reversed. But I also concur with the right rev. Prelate that, although the principle of disestablishment was affirmed, the question of disendowment was not finally disposed of. But then, surely, if disestablishment has been decided upon and disendowment has not, the argument is a very strong one in favour of going into Committee. And if the right rev. Prelate is right—as I hope and believe he may be—in asserting that the feelings of the English people is in favour of some considerable share of endowment being left to the disestablished Church, we shall be able to deal with the matter in a practical manner by amending the Bill in Committee, which we cannot do if we reject it altogether. We must remember that the majority "elsewhere" is no less than 115; and I must say that this majority has certainly not shown any symptoms of what in inorganic bodies is sometimes called "permeability." There has appeared to be very little prospect of its "disintegration." I should like, therefore, to ask my noble Friend who moved the Amendment (the Earl of Harrowby) what he expects to happen if he succeeds in throwing out the Bill on the second reading. Does he expect that this compact majority of 115 will sit quietly down, or simply say—"We think the Irish Church should be disestablished or disendowed; but, as the House of Lords take a very different view of that matter, let us turn our attention to something else?" Does my noble Friend, as a sensible and sagacious man, think that this would be the result of the success of his Amendment? If not, surely he must feel that the Bill would, after a very short interval, be sent up to us again? But, I ask, will it come up to us again under the same favourable circumstances? Your previous rejection of the measure will be recorded against you, and do you suppose that you will have the same power of amending the Bill at the next stage that you now possess? Do you think that the same amount of support from public opinion, which will attend you if you gracefully and properly defer to that public opinion by now assenting to the second reading, will equally attend you after you have done your best to reject a Bill which you will no longer be able to amend? I maintain, therefore, that it is incumbent upon us not to follow the bent of our inclination, which might lead us to throw out this Bill, and not to refuse to consider how with prudence and care it may be best improved. There are, no doubt, reasons of weight why we should not now assent to read the Bill a second time, with the view of making Amendments in Committee. It is said that the House of Commons would not accept the Amendments proposed by Mr. Disraeli, Dr. Ball, and other distinguished Members of that Assembly, and therefore they will not accept the Amendments which your Lordships might introduce into it. I maintain, however, that it is a very different thing to refuse Amendments when they come from a minority—and not a large minority—of their own body, and to refuse Amendments when they come from a majority—and I hope a large majority—of your Lordships' House. What would be the effect of the Commons resisting the Amendments which your Lordships might make? It might be if we chose it equivalent to the defeat of the Bill. You might offer the Commons this alternative:—"If you accept the Amendments, the Bill passes; if you reject them, the Bill will be lost." Do not you think that argument will be found even more persuasive and cogent than the most powerful appeals of its most eloquent Members with the other House of Parliament? For my own part I believe that if Amendments are judiciously made by your Lordships—if those Amendments, without touching the principle of disestablishment—which I conceive must be held to have been decided—are designed to provide for the wants and the exigencies of the then disestablished Church, and to enable her to commence a new career of usefulness to God and to man —if we introduce such Amendments as were indicated in the admirable speech of the most rev. Primate on Tuesday night—a speech in every word of which I desire to express my entire and hearty concurrence—if, I say, we make our Amendments in that spirit, I have that trust in Her Majesty's Government, and that trust, also, in the House of Commons itself, that, whatever may be their own extreme views, they will be willing to waive them, and to endeavour to pass the measure upon the only conditions on which they could then hope to pass it. For these reasons I am of opinion that Amendments judiciously framed and adopted by your Lordships will involve no insuperable difficulty when they come to be considered by the Government and also by the House of Commons. But there is another objection raised to the course which I am recommending. We are told that great meetings have been lately held in various parts of the country in opposition to the Bill. Now, my Lords, I rejoice to see in so many quarters such strong attachment evinced to the connection between Church and State. But when we come to examine into these manifestations of public feeling we find that they emanate from those districts of the country of whose sentiments on this matter we were already aware. They proceed mainly from Lancashire; but we knew before that Lancashire was decidedly against Mr. Gladstone. Therefore, when we are told that county meetings have been held at Manchester and at Liverpool, I think those meetings are nothing more than an energetic and powerful renewal of the sentiments expressed there at the last General Election. Speaking of them with all respect, I yet think they are but a confirmation of the opinions then constitutionally declared, and do not prove the existence of anything like a re-action in the national mind. To rely on those meetings as any true sign of such a general re-action would, I believe, be to lean on a broken reed. I am convinced, then, that in this case it is the obvious duty and interest of this House to allow this Bill to go into Committee. I believe the Amendments which may be here made in its provisions are likely to receive a favourable consideration in "another place." But I say—as was said by the noble Marquess below me (the Marquess of Salisbury)—that even if this hope should fail, even if the Commons do not fulfil our expectations in this respect, we shall stand on better and firmer ground by having conceded that which can be no longer resisted, and shown a readiness to go as far as possible in yielding to what certainly appears to be the deliberate determination of the country. If even we cannot carry all we wish, yet if we are able to give effect even to a part only of the Amendments we design we shall at all events do this—we shall leave the disestablished Church in a far better position than Mr. Gladstone's Bill has placed her. Therefore, notwithstanding the distaste and disfavour with which I view this measure, and the great concern which I feel that this subject should ever have been introduced at all, yet being once introduced, and we have to deal with it, I am persuaded that your Lordships' House will best meet the circumstances of the time by according the Bill a second reading. Before concluding I desire to express the great pain that I feel in differing on this question from my noble and learned Friend who sits on the Bench below me (Lord Cairns). I have the highest respect for the opinions and the learning of my noble and learned Friend. I entertain for him personally sentiments of cordial regard, and I wish to say this publicly—that, looking at the whole conduct of public affairs, there is no leadership on this side of the House with which I should be more thoroughly satisfied. But I have something higher to think of on this occasion than the ties of party, or considerations of personal regard. I have a public duty to perform, and that public duty, I think, calls upon me in the clearest manner and in the plainest tones to let this Bill go into Committee, in the hope that it may be there amended.

THE BISHOP OF TUAM:* My Lords, I wish to address to you a few remarks on the Bill before your Lordships' House, and claim your indulgence, both because I am addressing you for the first time, and because, if this Bill should become law, I am one of those who may not have the opportunity of speaking here again; for if it so happens that any of my right rev. Brethren of the Irish Branch of the United Church should be in the act of addressing you as the clock strikes twelve on January 1, 1871, the law would stop him in the middle of his sentence, and he must leave the House, because the Writ which he had received from his Sovereign would have been superseded and come to an untimely end. This matter has been dealt with by one who understands the privileges of your Lordships' House—the noble Lord the Chairman of Committees—and it involves a principle which, with equal injustice, might be brought to bear upon any of your Lordships who obstructed the way of a more aspiring party. My object is to address a few practical observations to your Lordships—not merely as a representative Bishop—not as the most rev. Prelate who presides over the important diocese of Dublin—not as the right rev. Prelate who is connected with the North and the Protestantism of Ulster—but as representative of that which is often talked of as one of the weakest and least defensible portions of the Irish Branch, the Province of Connaught, in the West. For nearly thirty-five years I have been a working parish minister in the South and West of Ireland, intimately associated through those many years not alone with the Protestants, but with the Roman Catholic population; knowing their views, their feelings, their habits of thought. These associations have been my life, my existence, and therefore, upon this question, I am entitled to offer to you some practical observations. I have often, I confess—with that experience—felt inclined to be amused at some of the dogmatic statements which have fallen from those who have never set foot in Ireland, but who have conveniently derived their ideas from the romantic indignation of leading articles. Let me express first to your Lordships what I believe, from that experience, to be the feeling of the general body of the Irish Roman Catholic people. I know that the Irish Church is often a party cry for those who have ulterior views. I know that it forms a portion of the programme of the National Association which represents the views called Ultramontane. I know that among the Nationalist party the Established Church is called—as the Government and the large portion of the landlords are called—Saxon, alien, a badge of ascendancy. I know that the Roman Catholic clergymen generally and others are conscientiously opposed to it. But I know equally well that after all the teachings of agitation, after all the debatings in the other House, after all the endeavours to persuade them that they are oppressed and insulted by the Established Church, the great body of the people do not believe it. They only understand the Church through the clergyman, and they see him in their midst, a kind neighbour, a useful friend, a Christian example. They do not pay him, and they know they do not, though they are told differently, and they care not for the removal of that which they see daily as a blessing and not a curse. Take the Suspensory Bill of last year. When negatived in your Lordships' House, did Ireland rise in indignation? No! It was not even a nine days' wonder, and when the other House of Parliament spent the earlier Session in spoliating that Church, did Ireland applaud it? Where are the Petitions laid upon your table? Where the meetings of sympathy? Where the demonstrations of popular feeling? And echo answers—Where? There appears to be nothing but silence, apathy, and indifference. Thus when, under the Church Temporalities Act, ten Bishops were suppressed, the question is said to have been asked O'Connell—"Does not this satisfy you?" His reply was remarkable—"Why, what good have you done? You have removed ten of the best resident gentlemen in Ireland." Now the only reasons which one can gather from the Government to justify the pressing forward with such indecent haste the destruction of the Established Church, are these:—first, that it is the badge of ascendancy; and secondly, that it has not fulfilled its mission. As regards the first, it is very strange that the Government ranks among its leading Members a Prime Minister who two, or three years since, declared it a question not to be touched by legislation, and two past Lords Lieutenant of Ireland, and though they or those with whom they are associated have been in power for about thirty out of the last thirty-five years, it never struck them that this was a pressing and paramount question. Nay, it was never alluded to until the last twelve months suddenly presented it in a different light. We have been told that the country supports the Government both as to disestablishment and disendowment of the Irish Church. It has been conceded by almost every speaker in this debate that disendowment in its present shape has not been decided on by the country. Nor, I contend, has disestablishment in its character and effects. It is not mere disestablishment, sole and separate, that you have to deal with, for in Ireland the disestablishment of the present Established Church is, *ipso facto*, the establishment of the Church of Rome. The doing away with the supremacy of the Crown would, *ipso facto*, be the admission of the supremacy of the Pope. The two are inseparable. The substitutes are ready made to your hands, and who will blame the Church of Rome if she be ready to step in—aye, and will step in? This part of the question, remember, is not merely a Protestant question, it has been in the past regarded as belonging to no party, neither under Roman Catholic rule in Ireland, nor in Roman Catholic countries on the Continent. The public mind is, I believe, only awakening to the real issues, and those great meetings, those monster gatherings, conducted with such calm and orderly counsels, which have been but too slightingly spoken of, are but what Lord Palmerston prophetically prefigured in 1829—"The indignant feelings of a betrayed people," under the ungenerous and unfair treatment of the Government. Is it just and right that a question of such magnitude, involving such vast and complicated vested interests, involving a serious inroad on the Constitution, should be hurried through by the hasty legislation of about three months in the other House of Parliament, overthrowing suddenly the work of three centuries, and without giving the country fair time to weigh it in all its bearings?

I now advert to the question put by the noble Earl who moved the second reading. He asked—"Has the Established Church in Ireland fulfilled her mission?" In proof of this, numbers have been relied on. The Protestants of Ireland have been spoken of as a "miserable minority." I do not believe that we are so miserable a minority, not in numbers merely, but in property, in intelligence, and in those qualities which you should recognize as constituting good citizens—the bone and sinew of a nation's strength. But surely numbers are both a shifting and an unsound ground for arguments—shifting, for not many years since O'Connell used to boast—"We are 8,000,000," and the last Census, 1861, showed that those to whom he applied the argument—for it was an argument which implied power to enforce claims—were then 4,500,000. Unsound, because it admits numbers into superiority to truth. One of the grandest scenes in Old Testament history is that upon Mount Carmel, when Elijah stood alone and said—"Let it be known this day that thou art God in Israel, and that I am thy servant." There was a grand scene also in the life of the great German monk. When he was told the world is against Luther, "Then," said he, "Luther is against the world." But is the argument of numbers so much against us? Take the relative proportion of numbers between 1834 and 1861. According to the Census returns, the Roman Catholic population diminished 3 per cent, and the Established Church increased more than 1½ per cent, making, of course, a considerable relative change. But if I go to the far West, and take the result of the Census in certain parishes lying along the Atlantic, between Killala and Galway Bays, I find them tabulated by Hume, and the results, thus summed up, that the Church population has risen 344 per cent, while in the same localities the Roman Catholic population has fallen 23 per cent. In these localities I can enumerate, within the same period, at least eighteen new churches and twenty licensed places of worship, consecrated or opened; seventeen additional clergymen; and ten or eleven newly-endowed districts; besides rectories formed from large unions. Surely this is progress, and this is life. It is fulfilling its mission, and in this fulfilling of its mission the Government steps in to put an end, under false pretence, to progress. But I may be met with the observation—"Surely you owe these results to the benevolence of England and to religious societies, who have supplied the funds and stimulated exertions." I wish to admit this to the fullest extent it can be pressed to, because it only strengthens the position that the voluntary system is quite inapplicable to the vast and poor parishes in the West and South-west of Ireland. Look at the extent in area of the parishes where this progress has been made. One parish—a large union—was twenty-five miles broad and fifty long, and included also islands. Another is twenty-two miles long, and a third extends over 148,395 acres. Such parishes are wild to a degree that your Lordships can hardly understand, beyond the physical powers of most men; and when you add to this that the income of these parishes did not amount to £200 per annum, you have a true picture of the much-abused rich and indolent Church established in Ireland. The average extent of the parishes in the diocese of Tuam, &c., is 34,008 acres. More than half the parishes are, in net income, under £200 per annum, and the Church population, according to the Royal Commission, exceeds 222 per parish. I can testify personally to the work—the laborious work—which falls to the lot of a minister in Ireland. For many years, while curate, my Sunday's duty gave me each Sabbath a ride of eighteen miles, and I ministered in another parish extending over 53,400 acres, with island, to more than 1,000 members of our Church. I trust that the noble Earl who brought forward this charge will have given these facts his attention. But suppose, by way of illustration but not of argument, we put the same test to the Church of England, would the reply be more satisfactory? Have the energies of its ministers reached the whole of the Roman Catholic, the whole of the Dissenting population, and fulfilled the mission of the Church—as is expected of the Church in Ireland—by bringing all into its communion? Why, in 1851, the Census told us that one-fourth of the population were "non-worshippers," and, notwithstanding the noble exertions of the most rev. Primate, who called into existence, through his fund, a vast machinery of usefulness throughout this metropolis, will any clergyman feel that he has fulfilled his mission? And yet, during that time, the Church in Ireland has increased greatly her churches, her glebes, her schools; she has not lost ground in a single particular, and, speaking within my own knowledge, the clergy of our communion are active, energetic, and useful ministers of our Lord and Saviour. None can tell the difficulties of a body of men who, if active, are termed firebrands, and if they fail in energy, are denounced as negligent and slothful. But, you say, all this is well, but you are enjoying the revenues which belong to others. Is it fair that your churches, your glebes, yourselves, should be paid for by those who do not belong to your Church? I deny this altogether. The history of our revenues should be clearly understood in their plain broad landmarks. Before the time of Henry II., the Church in Ireland was an independent Church. It was not in communion with the see of Rome. The witnesses in proof of this may be reduced to three. Henry II and Pope Adrian confessed the independence of the Church in Ireland, when the compact was made between them that the King was to have the temporal power, if he secured the spiritual power to the Pope, and made every house liable to Peter's pence. A celebrated Cardinal endorsed the same, when he connected the arrival of St. Patrick with the Council of Ephesus, a Council which denounced any Bishop, layman, or clergyman with anathema, who should make converts to the Christian faith under any other form than the Nicene Creed, fixing thus the early faith of the Irish Church beyond all doubts. From the time of Henry II. until the Reformation the Church of Rome was the Established Church in Ireland; its revenues were not tithe, for Bishop Doyle, in his evidence before Parliament, stated that tithe was never paid in Ireland before the Reformation, except within the English pale. The revenues were from vast monastic lands, and from fees given for the offices of religion. These monastic lands were granted, not by the Irish, but by the Normans. These lands, at the time of the Reformation, did not pass into the possession of the Church of the Reformation. The property enjoyed by the Church of Rome never became the property of our Church, and the property which is now in the hands of the Protestant Church had never been previously in the hands of the Church of Rome. And what became of these monastic lands? Confiscated by Henry VIII., who procured what was called the consent of those who held them, and reserving vested right, the Crown granted them to laymen, and these lands and abbeys are to this day, as the noble Duke (the Duke of Devonshire) alluded, held, not by the Church as established, but by laymen, both Protestant and Roman Catholic. The revenues of our Church are quite distinct. The glebes were partly the grant from the Crown at the time of the Act of Settlement, and partly the voluntary gifts from private persons for the Protestant religion, and never were in possession of the Church of Rome. The glebe houses, all built since the Reformation, all, with the improved lands and gardens round them, were created from the private and personal incomes of the clergy, and would seem to have all claims which vested right and tenant right can give. The churches were, with hardly an exception, built since the Reformation, largely, if not chiefly, from private sources. For instance, since 1833, the large sum of £642,587 7*s.* 10*d.* has been contributed from private sources towards the building and improvement of churches. The churches in our possession were never in the possession of the Church of Rome. And then the tithe or tithe rent-charge—this, as we have seen, was not collected, except within the English pale, before the time of the Reformation. The settlers from England, Scotland, Wales, had received their lands from the Crown subject to the deduction of tithe, and, having been accustomed to pay it before they came, felt no hardship, and thus the tithe given by Protestants became the property of the Protestant Church. Thus, my Lords, have we received our property chiefly through private sources, but all our property is held in covenant—a covenant which pledged both giver and receiver to the maintenance of the Reformed faith. The Church has never broken that covenant; it has fulfilled its trust; it has held faithfully and contends earnestly for that faith once delivered to the saints. Upon this condition letters patent from the Crown, deeds of private endowment, contracts of every kind, secured the property to the Church. The Union with Scotland, the Union with Ireland, the Act of Settlement, each endorsed the covenant with all the solemnity of a nation's honour. Sovereign after Sovereign sealed it with their Coronation Oath. That convenant is interwoven with and written down indelibly in every law, every right of property, every equity and moral obligation, and when you add to all this that the property is held for God in all the sacredness of such a trust, you not only violate every human law and break every human treaty, but you dare to touch the things which belong to God, and who can marvel if retribution should come on a nation which has done such wrong! Now, we are told that, under present circumstances, it is our wisdom and our duty to submit to some compromise, and let this measure pass the second reading. My Lords, I should have no hesitation, if it were a matter of mere worldly policy, in recognizing the force of that argument, and acting on the rersoning so powerfully urged upon your Lordships this night. But the case is not so. This Bill deals with the highest and most solemn interests and principles, with all that we hold dear both here and hereafter, with the very existence of our faith, and with that which has made England what she is. The case, I say, is a very different one from worldly policy—one in which we have to consult for the most sacred interests and maintain them, no matter at what risk or at what sacrifice. I do not hesitate to say that, rather than make unworthy concessions upon vital matters, we should quit ourselves like men. I know not—and you will understand me in a figurative sense—why I should lay down my arms and sue for terms from my opponents while my weapons are yet bright, while I fight under a glorious banner, and my cause is a just and righteous cause. Better to stand up boldly, measure our weapons, and, in the sight of England, in the light of day, and upon a fair battle-field, bring the matter to an issue, and God will defend the right! Victory, if you gain it, will be victory not over your enemies, but over your best friends. Victory, if you gain it, will be victory over the friends of order, of loyalty, and of British connection. Victory, if you gain it, will be victory by forcing a breach in the strongest bulwark of our Constitution, through which anarchy and democracy may rush in. Nay, in the war you have proclaimed, and the allies you have invited, victory, if you gain it, may be—will be—victory over every valued institution, over the Throne itself, and you yourselves will be buried in the ruins you have made.

For these reasons, and because I must obey God's truth rather than the dictates of mere expediency, I have no hesitation in voting boldly and distinctly against the second reading of this Bill. Let us remember the symptoms which we see around us of the awakening feeling of the country. Remember the large and indignant meetings. Look at the Petitions which crowd your table. Are all these speaking on behalf of what you call "ascendancy," of the adventitious advantages of some accidents in our position, of the mere desire to prop up the outward fabric? Far from it: speaking for them and for myself, it is for something far higher. True, the Church can live its higher life stripped of all worldly help; but the nation that rejects and separates from her alters her position, and endangers her prosperity. Our struggle is for the Reformed faith in Ireland, for the faith of our fathers, which has been a blessing, and cannot but be a blessing—for our poorer Protestant brethren there—for the flocks upon the wild mountain-side, and the bleak moorlands, which must inevitably, under the provision of this Bill, be left as sheep without a shepherd. Our struggle then is for the truth of God—for that righteousness which, embodied in the State, exalts a nation—for the Church which is the poor man's Church. What is it that has made England what she is? How is it that even the poorest man can feel that his cottage is his castle, and his mind his own? How is it that he knows no tyrant can enter into his cottage, no despot chain that mind against his will? How is it that liberty is his birthright, security his inheritance—and that for him, as for the highest, every tribunal of the land must stand the light of day, and the test of truth? Is it that England rules with wider sway, and freer commerce, and stronger arm than other lands? No such thing. It is that that pure and apostolic faith secured to us at the Reformation is like a tree of life, which bears among others this pleasant fruit—"Perfect Civil and Religious Liberty." It is that the union between that religion and the State has elevated her into the superiority of a land which God has blessed. It is that that blessed Book, the foundation of our faith and the birthright of our people, not more surely proclaims pardon and peace with man, justification through our Redeemer, than does its mild, and just, and gentle spirit pervade like leaven our laws, our liberties, our social and domestic ties, and build up and fit and cement it all into that mighty fortress of a nation's freedom, the glorious Constitution under which we are as yet privileged to live.

Earl NELSON: My Lords, as one of those who are about to vote against the feelings of many of my Friends, both in and out of the House, I must ask your Lordships' indulgence whilst I express—as shortly as I can—my reasons for giving that vote. I received a letter the other day from a friend of mine—a High Church clergyman in the country—who sent me a Petition upon this measure, and said he hoped he should not find my name among those who voted for the second reading of this Bill, or, as he said, among the flatterers and busy mockers whom *The Times* was pleased to applaud. Many hard things have been said—though I am thankful to say that they have not been said by my Friends in this House—about the persons who will vote from this side of the House in favour of the second reading of this Bill. They are called "cowards"; it is said that they shrink from duty, and will vote against professed principles for expediency, from the fear of consequences, and the like. Now—I say it without fear of contradiction—the fear most likely to operate on the minds of most persons in my position is the fear of going against their party in this House, and not the empty threats uttered by people out-of-doors. I think I may say that I am not a coward. Some years ago I thought it my duty to vote contrary to my party—voting in a minority of some twenty—against the Ecclesiastical Titles Bill. I know how hard it is to stand aloof from them, and the kindness of that party only made it the harder to go against them. On a former occasion I voted against the noble Earl (Earl Derby), who began the debate this evening, when the Bill for establishing what were termed "the godless Colleges" was under the consideration of the House, again voting with the minority. But when I look back upon these votes I cannot help thinking that if the Ecclesiastical Titles Bill had been rejected, or had subsequently been repealed, and if we had not denied to the Roman Catholics of Ireland that denominational system of education in which we ourselves glory, we should not now be engaged in discussing a measure for the disestablishment of the Irish Church. It is said by the noble Earl, whom I have generally looked up to as my leader in this House, that the whole of this Bill has not been accepted by the country. I quite concur with him in that opinion; but I do not think, while we glory in the majorities which we gained in Lancashire and other large constituencies, we can turn round and say—though we know they were gained by the Protestant feeling that was called forth—that the majority of the constituencies at large have not pronounced an opinion on this question, but only upon the question whether Mr. Disraeli or Mr. Gladstone should be at the head of the Government. There is no shrinking from the fact as stated by the right rev. Prelate (the Bishop of Peterborough) that the disestablishment of the Irish Church has been clearly decided by the nation. If that be really so, it is clearly the duty of this House not to be an impediment to the working of the Constitution. We have two distinct duties to perform as a component part of the Legislature. First, to check rash legislation until the opinion of the nation can be clearly ascertained—and that duty, I think, we did last year when we rejected the Suspensory Bill. Our second function is when the will of the country has been ascertained, and when it is sought to give it effect, to take care that that shall be done in the most constitutional way. The latter I consider to be our clear function at the present moment. We are told by the noble Earl, to whom I have already referred, that there is no use in trying to make Amendments in this Bill, because it is quite certain that those Amendments will be rejected by the other House of Parliament. I can imagine no argument more calculated to be subversive of the power of this House, or tending to exhibit more a sense of its weakness. My own opinion is that if we choose to amend the Bill on the ground that its details have not been sanctioned by the country we shall be occupying a *locus standi* which cannot easily be shaken. But what does the noble Earl who moved the Amendment (the Earl of Harrowby) ask your Lordships to do? He proposes that you should send back, as it were, a *tabula rasa* to the country, and that, although there are Amendments which might be introduced into the Bill, we will have nothing to do with it. This, my Lords, is not a course which I, for one, think it would be expedient to adopt—especially when we consider that this measure is regarded as one of a series of measures intended, whether rightly or wrongly, to promote the pacification of Ireland. I hope your Lordships will not only propose Amendments in the Bill in Committee, but that you will be prepared to stand by them. But if we reject this measure without attempting to amend it, we take the responsibility of the agitation of Ireland upon our own shoulders, at a time when the Orangemen of Ireland would be excited by their victory and the Roman Catholics embittered by a defeat. I do not think that we ought to accept such a position. But there are other reasons for the vote I intend to give. If we look to history we shall find that the union of Church and State is based upon the principle that the majority of the nation accepts the religion which is united to it. This principle was accepted at the Reformation, and it was to be maintained by Penal Laws. But the moment you allowed that the Penal Laws had failed you, and more certainly from the moment you repealed them, the union of Church and State was left apart from its old principle, and became nothing more than a voluntary agreement. It may be said to be very unchivalrous in me to attempt to show any difference between the state of the Church in England and that of the Church in Ireland, but the basis of all chivalry is to tell the truth. In the former, history tells us that many of the Nonconformists were baptized and buried according to our formularies. In the time of James II., even when the Penal Laws were in full force, the Nonconformists of England rallied round the Church in a wonderful manner when they believed it to be in danger. In the same manner I believe that the Nonconformists of this country would again rally round the Church of England to defend it from the attacks of infidelity and Romanism. But when we look to Ireland, history tells us a very different story, and shows that the difference between the Church of Ireland and the Nonconformists of that country was one which was totally irreconcilable. Not only, therefore, has the voice of the country been raised in favour of disestablishment, but the history of the union between Church and State and of the true principle upon which it is based has really demanded it. And further, I maintain that it is not necessarily an unchristian act to disendow or disestablish a Church, although the way in which the act is sought to be carried out may be both wrong and unchristian. I wish it clearly to be understood that while I cannot fear any harm to a true branch of Christ's Church from disestablishment or disendowment, I am not foolishly in favour of disestablishment or disendowment. I cannot conceal from myself the fact that the establishment of the Church is a great good both to Church and State, though there may be evil effects from it to the one and the other. People tell us that this Bill will destroy the Church of Ireland, and that it will destroy the union which exists between the Churches. Now, I deny that the State can destroy any true branch of the Church of Christ: I deny that the State union at present existing between the two Churches has anything to do with that true union which ought to exist in Christ's Church between the different branches of it; and I say emphatically that this Bill will not, and cannot, destroy the union of the two Churches. But while I maintain that the Act itself is not necessarily wrong, the way adopted for carrying it out may be so. I cannot myself see why, in carrying out this scheme, the State need renounce altogether its care for the Christian teaching of its people. I do not see why, in carrying it out, the State need apply to secular purposes money which has been originally dedicated to religious uses. I cannot see why the State should not deal fairly and liberally with the members of the Church which is about to be disestablished. My Lords, at this late hour it is not my intention further to trespass upon your attention. For the reasons I have stated I believe that, if Amendments which may be proposed by your Lordships be carried, many evils on the face of the Bill will be removed, and that your Lordships will be able in Committee to effect such alterations as will prove acceptable to the country. Should your Amendments be rejected by the other House and returned to you, it will then be in your Lordship's power to appeal to the country in order that it may decide whether the way which your Lordships propose, or the way which the Prime Minister proposes, is the right and proper way to carry out the wishes of the nation.

The further Debate on the said Motion adjourned 'till *To-morrow.*

House adjourned at a quarter past One o'clock, A.M., till half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 17th June,* 1869.

MINUTES.] — New Member Sworn—Charles Seely the younger, esquire, *for* Nottingham Town.

Select Committee—Salmon Fisheries, *appointed.*

Supply — *considered in Committee*—Army Estimates.

Public Bills—*Ordered—First Reading*—Dublin Freemen Disfranchisement * [168].

*Second Reading*—Judicial Statistics (Scotland)* [142]; Prisons (Scotland) Administration Act (1860) Amendment* [143]; Titles to Land Consolidation (Scotland) Act (1868) Amendment* [182]; Court of Session Act (1868) Amendment* [145]; Poor Law Board Provisional Orders Confirmation * [166].

*Committee — Report —* Endowed Hospitals, &c. (Scotland) (*re-comm.*) [124]; Local Government Supplemental (*re-comm.*)* [155]; Married Women's Property (*re-comm.*) * [20]; Poor Law Union Loans Bill * [128-167].

*Considered as amended*—Endowed Schools [163].

*Third Reading*—Drainage and Improvement of Lands (Ireland) Supplemental (No. 2) * [158] and *passed.*

*Withdrawn*—Salmon Fisheries Law Amendment* [130].

### INDIA—HOME ACCOUNTS.—QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether it is the intention of the Government to submit the Home Accounts of the Government of India, which have just been delivered, to the Committee of Public Accounts?

Mr. GRANT DUFF: Having regard, Sir, to the 7th and 8th paragraphs of the Report of the Committee on Public Accounts for 1868, and considering that the arrangment with respect to the salary and duties of our Auditor, which that Committee pronounced to be "not free from objection," no longer exists, we do not think that any useful purpose would be served by again this year submitting the Home Accounts of the Government of India to the Committee on Public Accounts. We do not accordingly propose to take the initiative in submitting them; but if my right hon. Friend, after re-considering the matter, thinks it desirable to move that they should be so submitted, we shall make no objection whatever to his proposal.

### RELATIONS WITH MEXICO.—QUESTION.

Mr. SOMERSET BEAUMONT said, he wished to ask the Under Secretary of State for Foreign Affairs, What obstacles stand in the way of the establishment of Diplomatic relations between this country and the Republic of Mexico?

Mr. OTWAY said, in reply, that the state of the relations between this country and the Republic of Mexico had remained unchanged since a question identical in language with the present had been addressed by Mr. Kinglake to the noble Lord (the Member for Lynn Regis (Lord Stanley). It was very much to be regretted that we had not, from the absence of diplomatic intercourse, any means of aiding British interests in that country, which were great and numerous, but the state of things existing was not one of our seeking. When the Republican Government was established in Mexico, the President notified his intention of not holding official intercourse with those Powers which had recognized the preceding *de facto* Government of Mexico, and the British Consul in the city of Mexico was denied consular jurisdiction. Under these circumstances the British Legation in Mexico was withdrawn. He had reason to believe that there would be no indisposition on the part of Her Majesty's Government to renew official intercourse with the Republic of Mexico when that Government should notify its desire; but the hon. Member, he trusted, would be of opinion that the first steps in this matter could not, with propriety, come from the Government of this country.

### POOR LAW—MAGISTRATES AND BOARDS OF GUARDIANS.—QUESTION.

Colonel DYOTT said, he wished to ask the President of the Poor Law Board, with reference to a recent Correspondence between the Board of Guardians of the Lichfield Union and the Poor Law Board, in which the Poor Law Board decided that mayors and magistrates of boroughs were not entitled to be *ex officio* members of Boards of Guardians, and to a subsequent Correspondence in which the Poor Law Board decided that mayors and magistrates of boroughs which are counties in themselves are entitled to be Guardians of the Union in which such borough is situated, Whether the Poor Law Board have been guided in their decision by the opinion of the Law Officers of the Crown; and, if not, whether the Board will submit a case with the view to ascertain that opinion?

Mr. GOSCHEN said, in reply, that as far as the first case was concerned, the Poor Law Board had been guided in their decision by the opinion of the late Sir William Follett, when one of the Law Officers of the Crown, and they had subsequently taken the opinion of their standing counsel, that magistrates of boroughs which were not counties could not be *ex officio* members of Boards of Guardians. As regarded magistrates of boroughs which were counties, Sir William Follett's opinion was that they were entitled to act as *ex officio* Guardians. It was doubtful whether that was the intention of the Legislature, but the wording of the Act did not exclude such boroughs.

### PARLIAMENT—THE LADIES' GALLERIES.—QUESTION.

Mr. H. A. HERBERT said, he wished to ask the First Commissioner of Works, Whether there exists any reason why the gratings in front of the Ladies' Galleries should not be removed; and whether the accommodation already existing cannot in any way be improved?

Mr. LAYARD said, he could not take upon himself the very grave responsibility of removing these gratings. He believed the reason why they had not been removed was that the subject had been frequently discussed in that House, and the general feeling of the House was against it. ["No, no!"] As regarded accommodation, he must confess that it was extremely bad; and, indeed, if it were not for those who occupied it, he should be inclined to call it a Chamber of Horrors. He was informed that in the present state of the building no alteration could be made; but if the House should sanction the construction of a new chamber for their meetings, as was proposed by his right hon. Friend near him (Mr. Headlam), he believed means might be found for giving better accommodation to the ladies.

Mr. H. A. HERBERT said, he would give notice that, on the Motion for going into Committee of Supply, he would move that, in the opinion of this House, the grating in front of the Ladies' Galleries be removed.

## MR. BRIGHT'S LETTER.

### QUESTION.

Colonel NORTH: I beg leave to ask the First Lord of the Treasury, Whether the letter read at a public meeting at Birmingham on Monday the 14th instant, signed John Bright, and which has appeared in the public journals, was written by the President of the Board of Trade; and, if so, whether the Government concur in the opinions therein expressed?

Mr. GLADSTONE: Sir, in answer to the inquiry of the hon. and gallant Gentleman, I have to state that the letter which has been published in the journals as having been addressed by my right hon. Friend to some of his constituents at Birmingham, and as having been read at a public meeting there, is—his production. Further, Sir, I have to state that letter was written by my right hon. Friend without communication with his Colleagues, upon his own responsibility, as, in fact, also was a letter I myself wrote to a gentleman at Bradford, acknowledging the receipt of a Resolution passed at a town meeting on the Irish Church two days before; and that letter of mine was published in the same paper with the letter of my right hon. Friend, but it was not dignified with the same large and clear type, nor with the same prominent position in the newspaper, and it attracted, I feel somewhat mortified in saying, no notice whatever. With respect to the latter part of the Question of the hon. and gallant Gentleman, that is, as to whether the Government agree in the opinions expressed in that letter, I must say that the Government have not thought it their duty, and will not think it their duty, to consider in detail the particulars of those opinions, and for a reason which I think the hon. and gallant Gentleman will readily perceive to be just. There may be many things with which, in the abstract, as propositions the Government would agree, and yet with which as a Government they might not think themselves justified or warranted in stating with regard to the action of a branch of the Legislature. What the hon. and gallant Gentleman is, I think, perfectly entitled to ask from me is—Whether the Government themselves in any manner approve, or desire in appearance to approve, any interference, by threat, dictation, or otherwise, the perfectly free action of the House of Lords? Now, Sir, upon that subject I hope I may appeal to the tone that has been preserved in debate both here and elsewhere to sustain me when I say that nothing can be further from our intentions. Each branch of the Legislature in this country is not only naturally, but justly, jealous of the slightest attempt to interfere with its liberty of discussion, and most of all would it feel that jealousy when sentiments, which might be in themselves possibly defensible, just, or wholesome, were propounded with a *quasi* authority of the Ministers of the Crown. And, Sir, I may presume to state, as the question has been raised—I do not say unjustifiably raised—that these are not mere words upon our part; for I can say for myself that within the last week or ten days overtures have been made to me from large centres of population with respect to the holding of great meetings on the subject now under discussion in the House of Lords. I have, as far as I could presume to do so, steadily discouraged such meetings, and, perhaps, I may be permitted to say also, on the part of my right hon. Friend, though again without concert with me, and upon his own responsibility, that he has met similar overtures by pursuing a similar course to that I deemed it right to adopt, and he has been anxious to avert any popular action of that kind which may interfere, or seem to interfere, with the free action of the House of Peers.

## PAYMENT OF INCOME AND ASSESSED TAXES.—QUESTION.

Sir GEORGE JENKINSON said, he would beg to ask Mr. Chancellor of the Exchequer, Will the payment to be made on the 1st of January 1870 in respect of Income Tax and Assessed Taxes clear the payer from all such Taxes for all that year—namely, up to 1st of January 1871, or will it only clear him up to the 5th of April 1870; will not the payment in respect of these Taxes to be made in April 1870 be retrospective for the present year 1869; and, under the provisions of the present Financial Bill, will any payment in respect of either Income Tax or Assessed Taxes ever again be paid in the month of April after next April 1870?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am afraid it is not in my power to throw any fresh light upon this subject, but I will recapitulate how the matter stands. A convenient way to do that would be to consider first the taxes for the year 1868-9, and next for the financial year beginning April, 1869, and ending April, 1870. Now, as regards the year 1868-9, the land and house taxes have been paid. The last half of them was paid in the April just passed; therefore they are done with. As regards the income tax, the same thing has happened. The last quarter of income tax was collected in April last; so that does away with that tax for 1868-9. As regards the assessed taxes the matter is different, for they do not begin to be collected until October. None of the assessed taxes of 1868-9 have as yet been collected. One-half of them will be collected in 1869, the other half in April, 1870. That is the state of the case with regard to 1868-9. All the taxes of that year are collected except the assessed taxes. Then, as to the present financial year, 1869-70, nothing will be collected on behalf of house tax or land tax until January, 1870, and then the whole of those taxes will be collected, and nothing more will be collected on behalf of those taxes until January, 1871. As regards the assessed taxes, they are abolished and Excise licenses substituted, which will be collected in what used to be called assessed taxes for the year 1869-70 in January, 1870; and nothing more will be collected after January, 1870, on behalf of that year until January, 1871. The same thing applies exactly with regard to the income tax. No income tax will be collected from this time until the 1st of January, 1870, and on that day will be collected the income tax for the financial year beginning in April, 1869, and ending in April, 1870, and no further collection will be made until January, 1871. I hope that is a sufficient answer.

## REPRESENTATION OF MINORITIES.

### QUESTION.

SIR HENRY HOARE said, he would beg to ask the First Lord of the Treasury, Whether the Government propose, during the next Session of Parliament, to bring in a Bill to repeal the Clause of the Representation of the People Act, 1867, providing for the representation of minorities?

MR. GLADSTONE: Sir, Her Majesty's Government have not taken into consideration whether they should make any proposal to the House upon the subject of the clause in the Representation of the People Act providing for the representation of minorities. It is well known to my hon. Friend, as to all the world, that neither all the Gentlemen on this Bench, nor, I think upon any other Bench in the House of Commons, were entirely agreed in their views upon that clause. Whether all my Colleagues retain the opinions they expressed I do not know, but I may own that I still retain my opinions on the subject, and they have certainly been rather strengthened than weakened by all that has since occurred.

## KEW GARDENS.—QUESTION.

LORD GEORGE HAMILTON said, he wished to ask the Chief Commissioner of Works, Whether any arrangement could be made at the Royal Botanical Gardens, whereby the public could be admitted at an earlier hour than at present?

MR. LAYARD said, in reply, that the gardens at Kew were used for scientific purposes as well as a place of resort for pleasure-seekers, and in consequence of the work to be done in the hot-houses and elsewhere it was necessary to have the gardens closed in the early part of the day. It was considered necessary by the late Sir W. J. Hooker that they should be closed till one o'clock; but he (Mr. Layard) was in communication with Dr. Hooker, the present Director, with a view to see if the public could not be admitted at an earlier hour.

## MR. MURPHY, THE PROTESTANT LECTURER.—QUESTION.

MR. GREENE said, he would beg to ask the Secretary of State for the Home Department, Whether it is true, Murphy, the Protestant lecturer, was taken into custody on Monday the 14th, previous to the meeting at Birmingham on the Irish Church Question; if so, whether he will object to lay upon the Table a Copy of the information on which he was arrested, showing the charge preferred against him; whether any investigation has taken place; and, under what Act of Parliament he was arrested?

MR. BRUCE said, in reply, that he had notice of the hon. Member's Question only that morning when the Paper was delivered, and he had not been able to communicate with the Mayor of Birmingham in order to obtain the information which the hon. Gentleman desired. All he knew about the arrest of this person, whom the hon. Member designated by the name of the "Protestant lecturer," was derived from the newspapers, from which it appeared that he was prevented from attending a public meeting, the case was heard before the magistrates and dismissed, and it was added that he was about to bring an action against the Mayor for a false arrest. He was unable to say under what Act of Parliament Mr. Murphy was arrested.

## IRELAND.—LOANS TO DUBLIN AND BELFAST.—QUESTION.

MR. W. JOHNSTON said, he would beg to ask Mr. Chancellor of the Exchequer, If he can assign any reason for the reduction of the rate of interest on the loan granted by the Public Works Commissioners for the new Dublin Waterworks from 5 to 4 per cent in 1864; and on what grounds he refused the same reduction to the Belfast Water Commissioners on their loan of £130,000?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he could not state the reason for the reduction of the interest payable for the Dublin Waterworks from 5 to 4 per cent, but in reference to the Minute he saw that it was done under special circumstances. He presumed, therefore, it was not intended to be drawn into a precedent. Why he was not willing to reduce the interest in the case of Belfast was that, when persons entered into contracts with the Government by which they obtained loans on advantageous terms, the burden of proof lay upon those who sought to vary them. Belfast had made out no case for reduction; it had obtained money and was able to pay; therefore it ought to pay.

## PARLIAMENT—DUBLIN CITY WRIT.

### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th June],

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland, to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Dublin, in the room of Sir Arthur Guinness, baronet, whose Election has been determined to be void."—(*Mr. Noel*)

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "leave be given to bring in a Bill for disfranchising the Freemen of the City of Dublin,"—(*Sir George Grey,*)

—instead thereof.

Question again proposed, "That those words be there added."

Debate *resumed.*

MR. HENLEY said, he had no intention to offer any opposition to the first stage of the proposed Bill; he must however, be allowed to express his regret that the right hon. Gentleman (Sir George Grey) had brought back into the House one of those questions which they had been doing all they could to keep out of it. He deeply regretted it, because the precedent set by so high an authority would not be easily forgotten. With regard to the matter itself, he confessed it shocked his sense of justice when it was said that there was a case for inquiry, and then without any inquiry they were called upon to condemn. He also regretted that the subject was brought before the House for a special reason. The House would recollect that last year there was a discussion upon the subject of the freemen of Ireland on the Motion of the right hon. Baronet the Member for Clare (Sir Colman O'Loghlen). The House would not forget the grounds upon which they were then asked to disfranchise the freemen of Dublin. Corruption was not the main ground, but the position they took in regard to the connection of this country with Ireland. Would it be possible for people to believe that this question had been brought up because forty or fifty freemen of the

City of Dublin were corrupt, or would they not, on the other hand, be convinced that it was because these freemen were of a particular way of thinking in political matters? He especially regretted the Motion of the right hon. Gentleman, because the Members on his side of the House had been dealing with the Irish Church with a strong hand. The hon. Member for Clare last year used the same argument with regard to the freemen of Ireland which he had used as to the Irish Church. Did they not believe that the land question would follow? How were they to separate them? If a right hon. Gentleman on the other side brought forward this Motion on a colourable pretence, why should it not apply to the land question, which was as much a badge of ascendancy as the Irish Church? He regretted the introduction of this Bill, because he believed there was much more inconvenience in taking this course than in permitting the corruption to pass unnoticed.

Sir GEORGE GREY said that, independently of the respect he entertained for the right hon. Gentleman who had just sat down, he desired to say a few words to explain the course he had taken. It was impossible for the House to maintain its character for desiring to check corruption if it allowed the Dublin Writ to issue, and took no steps to purify the constituency. When the House of Lords, for reasons which he was far from regarding as unsatisfactory, declined to join in the Address to the Crown for a Commission, there were two courses open to the House of Commons, but not, in his opinion, a third; yet that third course had been taken by the hon. Member (Mr. Noel), who, representing the party opposite, had moved the issue of the Writ. With such a Report from Mr. Justice Keogh, if they allowed the Writ to issue, the corrupt portion of the freemen would again exercise the franchise, and with the same desire to make as much private profit as possible out of the election. A Bill might be proposed to authorize a Commission of Inquiry according to the precedent adopted in the cases of Sudbury and St. Albans, but in that case the inquiry would not be completed before the end of the Session, and the Writ could not issue until the beginning of next year. On the other hand, the case of the freemen of Dublin fell exactly within the precedent of Yarmouth, where gross and extensive bribery having been proved before a Committee of that House to have existed among the freemen of the borough, the House passed a Bill for disfranchising the freemen on the Report of its own Committee, and without further inquiry. He would ask the right hon. Gentleman (Mr. Henley) and others who opposed this Motion whether they had read not only the Report of Mr. Justice Keogh, but also his elaborate judgment, which had been laid upon the table? It was said that only a small number of the freemen had been proved corrupt. The hon. Member for Armagh (Mr. Vance) said he had reason to know that if the learned Judge who made that Report had had reason to believe that the House would proceed against the Dublin freemen in the way now proposed he would not have made that Report. [Mr. Vance: If the House were to proceed without further inquiry.] But if the hon. Gentleman would read the judgment of Mr. Justice Keogh, he would be satisfied that the corruption of the freemen of Dublin had been not only extensive, but gross and systematic. It was true that only fifteen freemen were named as having been guilty of corrupt practices, but between 280 and 290 were specified, although not by name, as having been equally guilty of corruption. The learned Judge added that a considerable number had been seen asking for payment for the votes they had given for Sir Arthur Guinness. He was glad that the learned Judge entirely exonerated that gentleman from personal participation in any act of corruption. A "Mr. Foster" was designated by the learned Judge as "the great contriver of this system of corruption." Mr. Foster was called upon the trial of the petition, but he was not to be found, and it was ascertained that he had gone to England the day before he was wanted, and that the evidence to identify the freemen was insufficient, owing to Mr. Foster's absence. If the Writ, consequently, were now now to be issued, only fifteen freemen would be disqualified from having been named in the Report, while the 280 who were proved to have been corrupted would be still enabled to exercise the franchise. No doubt existed in the mind of Mr. Justice Keogh as to the extent of corruption among the freemen. The learned

Judge, at the conclusion of his judgment, said—

> "I shall furthermore declare—because it has been proved by Mr. White, one of the principal solicitors for Sir Arthur Guinness, acting for him at the election, and now acting for him on this petition; proved by Campbell, whose agency has been established, and whom Mr. Goodman described as best acquainted with the freemen; proved by that document, the most artful of all, which was to be delivered at No. 3, Dame Street, after the election, and which was printed and paid for at 76, Capel Street, at the desire of Henry Foster; proved by what appears to me the most conclusive evidence, direct and circumstantial—that the freemen of this city have been shown to a great extent to be corrupt voters, and I shall leave the House of Commons to deal with their case and the constituency as affected by them."

If the Writ had been issued without any notice being taken of such a state of things, the House of Commons would, in his opinion, have been justly chargeable with screening bribery and encouraging those freemen to believe that they might continue their corrupt practices with impunity. He hoped, therefore, that he was justified in interposing between the House and the issuing of the Writ. Hon. Gentlemen opposite asked for further inquiry; but if he had proposed a Bill for a Commission he should have been laying himself open to the charge of wishing to delay indefinitely the issuing of the Writ. He would, however, test the sincerity of hon. Gentlemen opposite by dropping his Bill, in case a Motion for further inquiry should be brought forward by them, if it were understood that the Writ should not issue in the meantime. He hoped that, before the Bill came on for a second reading, either some alternative proposal would be made with the object of preventing the freemen exercising the franchise without further inquiry, or that hon. Gentlemen would read the judgment of Mr. Justice Keogh, and with a full knowledge of the facts disclosed in it, agree to the present Bill.

Mr. HUNT said, he had perused the shorthand writer's notes of the judgment, and his impression was that the Report to the Speaker exactly followed from what the learned Judge remarked in delivering his judgment. It appeared that a great many suspicious circumstances struck the learned Judge's mind as to the manner in which the freemen were induced to vote, but that they were not of a kind to justify his reporting to the Speaker that corrupt practices had extensively prevailed. What the learned Judge said in his judgment entirely coincided with his official Report, and they both seemed to point to further inquiry. The right hon. Gentleman opposite (Sir George Grey) had said that the Writ ought not to issue until the corrupt part of the constituency had been eliminated; but it should be borne in mind that, under the 45th section of the Act passed last Session, every person found guilty of corruption was disqualified from voting for the period of seven years. Therefore the present state of things was altogether different from that which existed when the case of the Great Yarmouth freemen was brought before the House. If a new Writ were to issue for Dublin, the thirteen or fifteen freemen mentioned by name in the Judge's Report would not be able to vote. The right hon. Baronet had offered to withdraw the present Motion and to substitute a Motion for Inquiry. ["No!"] Such a proposal made it questionable whether the Bill he asked leave to introduce was justifiable. He would offer no opposition to the Bill on the present occasion; but he thought it would be a great injustice to the 2,700 freemen, who could not be regarded as being included in the charge made by the Judge, if the Bill were read a second time in its present shape.

Sir GEORGE GREY explained that he had not proposed to substitute inquiry for the present Motion, but had merely suggested that some hon. Member opposite might do so.

Mr. J. LOWTHER contended that the case of Great Yarmouth was not analogous to the present, and it should also be remembered that the course adopted with regard to Yarmouth had not been attended with much success. He also wished to point out that the object of purifying the constituency of Dublin would not be attained if, as was likely, a considerable number of the persons disfranchised as freemen should come upon the register as householders.

Mr. VERNON HARCOURT said, he represented a constituency containing many freemen, and he wished to state distinctly that any vote he might give upon this question would not imply any opinion as to the impropriety of continuing freemen upon the electoral roll. One of the devices of the party opposite at the last election was to circulate in every borough a statement that it was the intention of the Liberals to disfranchise the freemen as soon as possible; and he had not the slightest doubt that when it was convenient to make that assertion again it would be made, and with as little foundation as it was made at the last election. He did not desire to disfranchise freemen generally; but, if they were corrupt, he did not see why they should not be disfranchised just as much as any other class of a constituency. With reference to this particular measure, he was glad to think, if a determined attempt had been made to cast a shield over corruption, it had not been made by the Liberal majority of the House of Commons. The position in which they were placed was this—there was a certain statutory power under which, if a Judge reported that extensive corruption prevailed, a Commission could be issued, and the statute required that there should be an Address to the Crown from both Houses of Parliament. As a Member of the House of Commons, he could not understand upon what ground an Address from the Lords should be necessary for such a purpose. It ought to be the exclusive privilege of the House of Commons to guard the purity of its own constituencies. If the House of Lords wished in a Committee of Privileges to inquire as to the rights by which an individual claimed a seat in the Upper House, they did not come to the House of Commons to ask for their assent to such an inquiry. He did not understand upon what principle it was that the House of Commons had not the right to address the Crown of its own intrinsic authority, and ask the Crown to issue a Commission for an Inquiry as to corrupt practices in a constituency returning Members to this House. This House had already assented to an Address to the Crown for an Inquiry in this case, and the question was then referred to the House of Lords. With the greatest respect for the eminent authorities who said that the law did not apply to this case, his judgment concurred with that of the Lord Chancellor, that the distinctions drawn by the Opposition lawyers were extremely technical and unsound. The Lord Chancellor gave this illustration. He said that if, in the case of the cattle plague, a statute prescribed that cattle were to be slaughtered if extensive disease and rinderpest prevailed, and it happened to be reported by an inspector that rinderpest prevailed extensively among black cattle, then, according to the contention on the other side, you could not slaughter any cattle at all. That seemed to him to be a pretty complete *reductio ad absurdum* of the argument on the other side. However, the House of Lords determined they would not address the Crown for an Inquiry; and hon. Gentlemen opposite, having by their majority in the Lords prevented an inquiry, came to this House and said—"You cannot disfranchise the freemen, because there has been no previous inquiry." But whose fault was it that there was no inquiry? It was not the fault of the House of Commons; they wished to have it; and now the right hon. Baronet the Member for Morpeth (Sir George Grey) put a searching test to hon. Members opposite by inviting them to move for an Inquiry if they wished for one. The right hon. Gentleman the Member for Northampton (Mr. Hunt), speaking with all the authority of his position, reserved his answer to that question; but the hon. Member for York (Mr. J. Lowther) less bound by official prudence, said he would have no inquiry at all, but would resist such a proposal to the death. What, then, became of the statement of hon. Gentlemen opposite that they were opposing this Motion because there had been no previous inquiry? By a sort of special demurrer, which was got rid of in Westminster Hall fifteen years ago, and which seemed to have been revived in the law of election petitions, they had opposed the inquiry which the House wished to make, they had used the power they had in the Lords to prevent it, and then they came to this House and said—"You shall not deal with this matter, because there has been no previous inquiry." He ventured to predict that until some measure of the kind had been taken the Writ would never issue from the House of Commons. If hon. Gentlemen opposite, by this species of election special pleading, chose to resist this Bill, they would simply deprive the constituency of one Member. Individually, he should prefer inquiry, as the House of Commons did; but, it having been reported that an integral portion of the constituency was corrupt, the House would take care, either by inquiry or disfranchisement, that no Writ was issued until a real and substantial attempt had been made to purify the constituency and vindicate the character of the House.

Sir **LAWRENCE PALK** deprecated the tone of the speech they had just heard. The question was one of the simplest, for they were all professing to desire inquiry; and he did not see what was to prevent the right hon. Baronet the Member for Morpeth (Sir George Grey) from proposing it, instead of bringing in a Bill to disfranchise the freemen of Dublin, whether they were guilty or innocent. He protested against that in the name of common justice, and still more because last Session election petitions were handed over to another tribunal. He considered it cause for regret that these questions were always turned into party questions. He thought nothing was so discreditable as the bribery that existed, and every means ought to be taken to check it by proceedings against those who had bribed.

Mr. **WHITBREAD** said, the House had only committed to the new tribunal the duty of deciding whether an election was valid or not, but it still reserved the power to act upon the report of a Judge or of a Commission. On that side they were satisfied with the inquiry which had been made; if the other side desired more inquiry, by all means let them have it, but let it be remembered that the cost of inquiry fell upon the City of Dublin. Next time he hoped that Mr. Henry Foster would be forthcoming.

Mr. **STAVELEY HILL** ventured to say that, under the statute referred to, a Commission could not issue. The Attorney and Solicitor General had endeavoured to set him down by declaring his reading of the statute to be unsound; but when the matter came before the House of Lords his opinion was upheld by Lord Westbury, Lord Chelmsford, and Lord Cairns, and with such support he was perfectly satisfied.

Colonel **FRENCH** complained that a majority in the House of Commons should be used for the purpose of keeping an important constituency for a time without its share of representation. Moreover, the Lords having determined that there was not sufficient evidence to justify inquiry, would not be likely to stultify themselves by passing this measure.

Question put, and *agreed to.*

Main Question, as amended, "That leave be given to bring in a Bill for disfranchising the Freemen of the City of Dublin," put, and *agreed to.*

Bill [Dublin Freemen Disfranchisement], *ordered* to be brought in by Sir George Grey, Mr. O'Reilly, and Mr. Whitbread.

Bill *presented,* and read the first time. [Bill 168.]

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## CLERKS OF THE WORKS AND ROYAL ENGINEERS.—RESOLUTION.

Mr. **M. CHAMBERS** rose to call attention to the anomalous position of the Clerks of the Works and Clerks of the Royal Engineer Department, and the denial of Pensions to their widows; and to move—

> "That, in the opinion of this House, they are entitled to or should be granted the same rights and privileges, according to their relative rank, as are extended to other non-combatants in the Military Service."

The clerks by the Royal Warrant, Article 101, were placed in the position of having what was called relative ranks—that is to say, those of the first-class were entitled to rank as captains, those of the second as lieutenants, and those of the third as cornets or ensigns. The widows, therefore, were entitled to demand a pension. Besides, those gentlemen were placed under the Mutiny Act, and were bound at a moment's notice to go to any part of the world when required, and to encounter the risks of war and the dangers of unhealthy climates. In China they had been compelled to attend the commanding Royal Engineer in the field; and, were officers with whom they had actually served consulted, their merits would be acknowledged and their claims conceded. Why, then, make a distinction between them and other non-combatants, such as chaplains, commissariat officers, purveyors, and others? These gentlemen were many of them well connected, yet a little unkindness of feeling appeared to have been manifested against them because they were called clerks, yet claimed to be commissioned officers. He maintained that, if it were right to give them the relative rank of officers, they ought to have the same privileges, and their widows the same pensions as those of commissioned officers. It might be said that the clerks might insure their lives, but they could not do this without forfeiting their insurance when they went on foreign service, or without being required to pay such an amount of premium as could not be spared out of their salaries. The hon. and learned Member concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Clerks of the Works and Clerks of the Royal Engineer Department are entitled to or should be granted the same rights and privileges, according to their relative rank, as are extended to other non-combatants in the Military Service,"—(*Mr. Montagu Chambers,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Captain VIVIAN admitted that his hon. and learned Friend had stated the case fairly from the point of view of those whose claims he had advocated; but he should remind him that in granting pensions and allowances it was necessary to draw the line somewhere, and make a distinction between different classes of officers. His hon. and learned Friend claimed to have the clerks of works, and of the Engineer department placed on the same footing as other non-combatants, because they were exposed to the same casualties. But this was not so. The officers of the Commissariat department and of the Store department were, of necessity, obliged to deal with the Army in the field, and expose themselves to the danger of being shot; but the clerks of works had no such duty imposed upon them, and were not subjected to the same dangers. During the Crimean War there were only two clerks of works in the East at all, and they were at Scutari, many miles away from any firing. His hon. and learned Friend might ask why were commissions given to officers of the Commissariat and Store departments? Expressly because their widows might receive pensions if they lost their lives under fire. The question of the pensions had been considered by the late Sir George Lewis, who, after a careful investigation, decided positively that these gentlemen had no right on which to found their claim. The question had been likewise referred to three other Secretaries of State, who had arrived at the same conclusion, General Peel, indeed, not only investigated the case himself, but referred it to the Committee on Pay and Allowances, who reported that the civil officers of the Royal Engineer Department ought not to be included in the present classification, because they had special allowances granted to them under the Warrant of 1858. The position of these gentlemen was by no means a bad one. There were at the present moment forty-four clerks who had been, or were about to be acting surveyors, and who received from £330 to £500 at home stations, while at foreign stations they had additional allowances. Clerks of works of the first class had a salary of £230, which rose to £300; clerks of the second class had from £150 to £220; and clerks of the third class from £110 to £140. In addition, all these clerks were allowed lodging money. He trusted the House would not agree to the Motion, which, if passed, would necessitate the addition of £3,800 to the burden of the Estimates.

Mr. MAGUIRE said, he was not satisfied with the hon. and gallant Gentleman's explanation. Between 1858 and 1867 no fewer than twelve of these clerks of works had fallen victims in the discharge of their duties in the public service, and he could see no reason why their widows should not receive pensions. He referred in particular to the case of one of his fellow-townsmen, Mr. Lacy, a young man of great promise, who died from the effects of sunstroke on the West Coast of Africa, and whose widow was not under the present system entitled to any pension. The hon. and gallant Gentleman was wrong in saying that these officers had nothing to do with the fighting department. That the contrary was the fact was shown by the case of Mr. Henry Rees, who, when in Gambia, was ordered by the officer in command to accompany him in an expedition against the blacks.

Mr. CARDWELL said, that though all of us were economists in general, we had no regard to economy when our interests were specially concerned. This matter had been fully considered by successive Governments, and it would be impossible to enforce economy if the present Motion were agreed to. The case mentioned by the hon. Member for Cork (Mr. Maguire) was no doubt a hard one; but he was informed that the gentleman in question went out voluntarily, having his allowance largely increased in consequence of the risk he ran.

Amendment, by leave, *withdrawn.*

### ARMY—BUCKINGHAM PALACE GUARD ROOM.—MOTION FOR PAPERS.

Viscount BURY rose to call attention to the subject of Buckingham Palace Guard Room, and to move an Address for Copy or Extracts of Correspondence between the Board of Works, the War Office, and the Royal Engineer Department of the Horse Guards, which has taken place thereupon since August last. The noble Lord said, the room was used as a barrack room for about forty men on sentry duty at the Palace; it was entirely insufficient for the accommodation of that number, and the officers complained of the ventilation. The complaints reached the War Office, and orders were given that six windows were to be cut in the wall; but the outside of the Palace being in the jurisdiction of the First Commissioners of Works, and the barrack-room itself under that of the Secretary of State for War, a conflict of jurisdiction had arisen, and the windows had been bricked up. He should like to know the circumstances under which the conflict had arisen, and he would further suggest the desirability of steps being taken to find the men sleeping accommodation elsewhere. The noble Lord concluded by moving his Motion.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy or Extracts of Correspondence between the Board of Works, the War Office, and the Royal Engineer Department of the Horse Guards, which has taken place on the subject of Buckingham Palace Guard Room, since August last,"—(*Viscount Bury,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LAYARD, who did not object to the production of the Papers, said, the windows were opened without communication with him, and he did not know of the proceeding until it was reported to him by the district surveyor of the Office of Works. He then communicated with the officer in command, who admitted that it was a most improper and irregular proceeding that the windows, which were a disfigurement to the *façade* of the Palace, should have been opened without any consultation with himself as the authority who had charge of the building. Besides the room being lighted by skylights, the opening of these windows exposed all that went on in the room, which was used as a sleeping room for forty men, to the observation of passers-by in a most objectionable manner. A medical officer reported that the room was not only lighted by a skylight from the roof and from four windows, but partly ventilated from the same sources, and that it was possible to get as much air as could be wanted. Under these circumstances, and on the grounds of irregularity, disfigurement, improper exposure, and the possibility of obtaining ample ventilation, he directed the openings for the windows to be built up.

Amendment, by leave, *withdrawn.*

### ARMY—ADJUTANCIES OF MILITIA. RESOLUTION.

Mr. SARTORIS rose to call the attention of the Secretary of State for War to the common practice of purchasing Adjutancies of Militia, in opposition to the declaration which has to be signed by the incoming adjutant; and to move the annulment of the declaration. The declaration which the incoming adjutant made, upon his honour as an officer and a gentleman, was that, in order to obtain the appointment, he had not given, paid, received, nor promised, nor did he believe that anyone had for him, directly or indirectly, any recompense, reward, or gratuity, from any person whatsoever. It was well known that, in the face of this declaration, adjutancies were bought and sold, and the declaration was regarded as a formality. The growing importance of the Militia rendered it necessary to maintain the high character of its officers, and there were some who were so scrupulous that they had refused to append their names to the declaration.

The present rule resulted in this, that men were obliged either to sign a declaration they knew to be false, or else forego an appointment for which they knew themselves perfectly well fitted. He therefore moved that the order be annulled.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the declaration which has to be signed by incoming Adjutants of Militia ought to be annulled,"—(*Mr. Sartoris,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CARDWELL said, he thought he would be able by a very few words to induce the hon. Member to withdraw his Motion. The object of the hon. Member seemed to be to introduce into the Militia the purchase system, which most persons desired to get rid of in the Army. It was impossible to admit that a gentleman could make the declaration referred to, and yet purchase without tarnishing his character. Such a proceeding, in his opinion, was so reprehensible, that he was determined to do the utmost in his power to prevent the sale of adjutancies in the Militia, and he trusted the course this promise indicated would be deemed preferable to the adoption of the Motion before the House.

Colonel NORTH said, he quite agreed with the right hon. Gentleman, and he was sorry to hear it so positively stated that sales of adjutancies in the Militia were of daily occurrence. A man who could read the certificate and sign it, and yet pay money for his appointment, would be a disgrace to Her Majesty's service and unworthy the designation of gentleman.

Mr. O'REILLY said, he was glad to hear the hon. and gallant Colonel so express himself, but, nevertheless, he assured the House that the forbidden purchases were of daily occurrence. He trusted the Secretary for War would be most determined in his action in the matter.

Colonel WILMOT observed that it was the duty of those who knew of these daily infringements of the rules of the service to make the Horse Guards acquainted with the fact.

Colonel BRISE said, he hoped the right hon. Gentleman would make the declaration more stringent than it had been, and would put down the abominable system.

General PERCY HERBERT remarked that if the practice complained of were frequent it should be remembered that the Secretary for War was not easily able to get evidence of the facts in a case. The Lord Lieutenants and the colonels of regiments should be applied to for guarantees that nothing of the kind was carried on among those under their command. He had heard of a case in which a colonel of Militia or Volunteers had received £1,000 to recommend an officer for a post. He was sorry to hear a Member of Parliament palliate the signing of a false certificate.

Amendment, by leave, *withdrawn.*

## BILLS OF EXCHANGE.

### RESOLUTION.

Mr. MUNTZ rose to move, That it would be a great convenience to the commercial interest if the Stamp Duties on Inland and Foreign Bills of Exchange were assimilated, and if it were permitted to use adhesive stamps for Inland as they were now used for Foreign Bills of Exchange. The hon. Member said that up to 1853 there were no stamps used on bills drawn in foreign countries on commercial men in this country. At that time the present Prime Minister modified the stamps for inland bills, and at the same time extended the duties on foreign bills. He thus imposed a heavy tax on all men engaged in commercial affairs, but of that he did not complain. The first question was as to the assimilation of home and foreign bills with regard to stamps. Up to £500 the stamp on foreign and English bills was the same, but then it began to vary. On a bill of £600, drawn in a foreign country, the stamp was 6*s.*; for a bill to the same amount at home it was 7*s.* 6*d.* The stamp on a foreign bill for £800 would cost 8*s.*, it would cost 10*s.* on a home bill to the same amount. But after £1,000 the stamp was the same. Now, this variation of which he had spoken gave rise to great mistakes, and it would not make a pound difference to the Exchequer if there was an entire assimilation. In 1853, the Chancellor of the Exchequer of that day introduced the system of putting adhesive stamps upon foreign bills, and it was found very convenient. What he asked was that we might have one system for inland and foreign bills, and the only reason he had heard against it was that stamps once used might be taken off and used again.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House it would be a great convenience to the commercial interest if the Stamp Duties on Inland and Foreign Bills of Exchange were assimilated, and if it were permitted to use adhesive stamps for Inland as they are now used for Foreign Bills of Exchange," — (*Mr. Muntz,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, what the hon. Gentleman had recommended as to the assimilation of stamps on foreign and inland bills was well worth consideration, and he should be happy to inquire with a view to remedy what appeared to him a manifest imperfection in the law. But he hoped the hon. Gentleman would not press his Motion with regard to adhesive stamps. He had carefully inquired into that subject, and he believed the truth of the matter was that they ought never to tolerate anything but an impressed stamp, except through necessity, and an adhesive stamp was a matter of necessity with regard to foreign bills. The Inland Revenue Department informed him that there would be a serious danger of loss if they were to allow adhesive stamps on inland bills, because they did not, like the hon. Member, under-rate the resources of chymistry. It would be much easier than the hon. Gentleman supposed to discharge any mark on a stamp, and put it in a condition in which it might be used twice, and there would be a great temptation to do so in cases where the stamp was costly.

Motion, by leave, *withdrawn.*

## ARMY—ARMAMENT OF SEA AND LAND DEFENCES.

### OBSERVATIONS.

LORD GARLIES rose to call attention to the armament of the Sea and Land Defences constructed and in process of construction at Portsmouth, Plymouth, &c. The noble Lord said, there had been no previous opportunity of discussing the subject, because the Report of the Committee appointed by the late Secretary of War in April last year had not been placed in the hands of Members until after the passing of the Votes. It was satisfactory to find that, in the opinion of the Committee, the works had been constructed with due regard to strength and security, and that the amount expended up to June 30 was £5,118,000, leaving only £2,832,000 to be expended. In general terms, two-thirds of the outlay on fortifications had been expended, and only one-third remained to be completed. The House ought now to be informed as to the provision to be made for the armament of those fortifications. On the introduction of the Army Estimates he expressed his belief that provision had only been made for the armament of one-sixth of the fortifications constructed, and no denial had been given to the statement, while large reductions, amounting altogether to £345,000, had been made in the department of Gun and Carriage Factories. He hoped that the Secretary of War would state the amount provided for in this year's Estimates for such armament, independent of any saving which may be effected by the probable adoption of the Moncrieff system.

MR. CARDWELL said, that the whole question would come before the House at no distant period; but, with regard to the land defences, he might state that there were now in store more guns than were wanted to supply the whole of them. As to the sea defences, there were not guns enough yet made, but there were more than could, at the present moment, be mounted, and the supply was gradually and steadily increasing. In reference to the amount proposed in this year's Estimate for armaments, he would say that ninety-nine 12-ton guns were provided last year, and a similar number would be provided this year. This statement was not literally an answer to the noble Lord; but it really gave the information he required.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

## ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £158,200, Military Education.

SIR JOHN PAKINGTON called attention to the Report of the Commissioners on Education in regard to the Duke of York's School at Chelsea, and the Royal Hibernian School at Dublin, which he thought might be made more directly available for purposes of military education. He trusted the establishments at Chelsea and Dublin would be rendered more efficient for the public service.

MR. CARDWELL assured his right hon. Friend that this subject had not escaped his notice. It had been referred by him to the consideration of the Committee on Military Education, whose first Report would, he hoped, be laid upon the table before the close of the Session. They would then consider this and other matters not included within their present order of reference. He would only remark, on the present occasion, that much more employment could be found for boys in the Navy than in the Army.

SIR JOHN PAKINGTON said, that the right hon. Gentleman's answer was quite satisfactory.

Vote *agreed to.*

(2.) £118,500, Surveys.

(3.) £90,600, Miscellaneous Services.

(4.) £223,400, Army Administration.

MR. O'REILLY rose to call attention to the present system of the government of the Army and the administration of Military affairs. The hon. Member referred to a speech delivered on the 26th of February by the Secretary of State for War, who asserted that his Royal Highness the Duke of Cambridge was not "Commander-in-Chief of the Army," but that his proper designation was "Field-Marshal Commanding-in-Chief." On turning, however, to the Royal Warrant, dated 1866, relating to pay and promotion in the Army, he found this passage at the very commencement—

> "It is our Royal will and pleasure that the style of 'Commander-in-Chief' used herein shall be held to mean the present Field-Marshal or other General officer commanding in chief our forces for the time being."

It further said that recommendations for appointments were to be made by "our Secretary of State with the concurrence of our Commander-in-Chief." The right hon. Gentleman the Secretary of State had also, on the same occasion, made the more important assertion that there existed in principle no dual government of the Army. In the Royal Warrant several passages in disproof of this statement were to be found; and he maintained it was impossible to read them and say that there was not a dual government in the army. The test of power was the capacity of making payments, and a Warrant issued by the right hon. Gentleman (Sir John Pakington) empowered the Commander-in-Chief to make regulations as to pay without the concurrence of the Secretary at War. It was not desirable that appointments and promotions in the Army should be in the hands of a political officer, nor did he wish to make the Commander-in-Chief subordinate to any one except Her Majesty, acting through her political Advisers. He understood his right hon. Friend to say that all appointments were communicated to him before being made, and that he assumed the responsibility of all of them. In this respect he considered that his right hon. Friend assumed far too great a responsibility, and that without co-adequate knowledge and co-adequate power. One of the disadvantages resulting from the dual system in the Army was that the Secretary of State was obliged to have a military secretary to be an interpreter between him and the Horse Guards, and to translate questions and answers into strict military phraseology. He believed there was a great waste of power in the clerical staff of the War Office, and the right hon. Gentleman would be astonished if he knew how many clerks in his office were doing substantially the same thing at once. The unnecessary duplication of offices led to great confusion, and also to an antagonism which inevitably grew up amongst the subalterns, though not amongst the heads of the administration. The essential point was, that there should be unity of administration under a single system of government. To carry out unity and efficiency in the government, it was necessary that the offices should be consolidated, and both Mr. Sidney Herbert and General Peel had strongly recommended that both the Horse Guards and the War Office should be brought under one head. There should be a Memorandum similar to that existing for the Indian Government, defining the powers and duties of the respective officers, and the responsibility should rest where the knowledge and power rested.

Mr. CARDWELL said, that he concurred in much that had been stated by his hon. Friend; but the hon. Gentleman appeared to go further than the House itself was prepared to go. It was generally admitted that the discipline of the Army, promotions, and appointments should be placed in the hands of the Commander-in-Chief; still, it was the wish of the House that the Secretary of State should be responsible. It was a matter of every day's experience that a Minister was responsible for many things the details of which it was quite impossible that he should know. But that was only the position of every man at the head of a large Department. He quite agreed with his hon. Friend that it was not possible to conduct the affairs of the Army with advantage as long as there was a physical separation between the two offices by which the government of the Army was administered. A Committee, under the direction of Lord Northbrook, was considering what amendments could be introduced into the War Office, and his Royal Highness had invited them afterwards to extend their attention to the Horse Guards. He hoped that no long time would elapse before some satisfactory plan was adopted by Parliament by which the two offices might be placed under one roof. There was a want of unity in regard of administration and of locality; but there was not in principle a dual government. His Royal Highness had expressly stated before the Committee, and it had been repeated over and over again in that House, that, where the Commander-in-Chief and the Secretary for War differed, the opinion of the Secretary of State must prevail; and if there was to be a distinction or separation of functions, which everybody must see to be necessary, he did not know how they could carry unity further than by saying whose voice was to prevail when there was a difference of opinion. He trusted that the efforts in progress would turn out well for promoting the efficiency and economy of the Departments.

Sir JOHN PAKINGTON said, he had expected when Vote 18 was brought forward that the right hon. Gentleman would, as he had promised, state what was intended with regard to the organization of the War Office. He presumed, however, as the right hon. Gentleman had adverted to the subject so slightly, that the Committee were still sitting, and that he was unable to state what arrangements would be made. He begged to say again, in answer to the remarks of the hon. Member for Longford (Mr. O'Reilly), what both himself and the right hon. Gentleman had before so often repeated, that no such thing as dual government of the army existed. There were two important duties entrusted to the Commander-in-Chief—namely, the patronage and discipline of the Army. Of course, these were matters which no civilian could or ought to be entrusted with, and it was very desirable that the Commander-in-Chief should in these respects exercise considerable authority. There never was a Commander-in-Chief less disposed than His Royal Highness to encroach on the functions of the Secretary of State, and His Royal Highness never thought of making any of the high appointments without obtaining the consent of the Secretary for War. Whilst he was in Office the two offices worked most harmoniously together; but, nevertheless, he was of opinion that the public convenience might be promoted if they were brought into closer proximity with each other. He confessed he was somewhat disappointed at not having heard more from his right hon. Friend in regard to the organization of the War Office; for before he himself left Office he had come to the conclusion that there were unnecessary and useless officers in that establishment; though he was not in Office long enough to carry out reforms which he had intended. He trusted that at the commencement of next Session the right hon. Gentleman would be prepared to make a complete statement to the House on this important subject. There was another important improvement which he had intended to carry out, and that was an alteration in reference to the government of the Arsenal at Woolwich. In conclusion, he begged to call attention to the anomalous position occupied by the hon. Gentleman opposite (Captain Vivian) who was called the War Lord, and who was, in fact, a Lord of the Treasury engrafted upon the War Office. This was a very irregular proceeding, and he trusted it would not be continued.

General PERCY HERBERT said, he hoped the Committee would not draw the inference from anything that had been said in the course of this discussion that the Commander-in-Chief or the Horse Guards had authority to disburse a single shilling without the special permission of the Secretary of State. He might remark that not a single soldier could be moved in this country except upon a route bearing the signature of the Secretary of State for War.

Mr. O'REILLY said, the warrant he had quoted was a Royal Warrant, countersigned by the Secretary of State. He had not spoken of a dual government of the Army generally, but he maintained that co-equal authorities existed with respect to certain parts and details of administration. The right hon. Member for Droitwich (Sir John Pakington) had told the House that the approbation of the Secretary of State was obtained only for appointments of great importance; but the right hon. Gentleman the Secretary at War distinctly stated that it was obtained to all appointments.

Mr. CARDWELL said, that all appointments of importance received the personal approbation of the Secretary of State, but that minor appointments were not brought under his personal cognizance. They were arranged in the office by the Under Secretary of State, by whom, if there was no objection, they were returned to the Horse Guards. With regard to the change in the War Office, which had given him the advantage of the assistance of his hon. and gallant Friend (Captain Vivian), the truth was that the War Department was not sufficiently represented in that House by only one Member of it. It was necessary that the Under Secretary should have a seat in the other House, and until the War Department obtained greater strength in a regular manner, it was necessary to obtain it in some other way. With regard to the re-organization of the War Department, he felt flattered in being supposed to be able to do in a short time what his predecessors had not done in a long time. [Sir John Pakington: It was almost done when you came in.] His opinion differed from that of the right hon. Gentleman on this subject. He thought that there had been too many partial changes at the War Office, and that what was wanted was a more comprehensive and complete review of the whole subject. The first thing he did was to appoint a Committee, which had not yet been enabled to complete its labours. It was better to take a little longer, and to do well that which it might be found necessary to do at all. With regard to Woolwich, the right hon. Gentleman (Sir John Pakington) introduced a Control Department, and the Controller had the preparation of the Store Estimate. This introduced a dual government at Woolwich. His right hon. Friend then sent down the Director General of Ordnance to reside at Woolwich, and exercise a certain, but not very clearly defined authority over the Arsenal. It was found impossible to go on at Woolwich with triple authority, and, therefore, pending the Report of the Committee, Woolwich was placed under the Controller. The hon. Member for Longford (Mr. O'Reilly) quoted a Warrant as if its words had power to change the actual facts. All he could say was that, whatever might be the words of a Warrant, it was true, as stated by his Royal Highness the Commander-in-Chief before the Committee of Sir James Graham, that whenever the opinion of the two officers differed that of the Secretary of State must prevail.

Mr. GRANT DUFF said, that nothing was known in the India Office of any official document, such as the hon. Member for Longford had described.

Vote *agreed to.*

(5.) £27,000, Rewards for Distinguished Services, &c.

(6.) £73,000, for General Officers' Pay.

Mr. ANDERSON complained of the great expense of the non-effective services and pensions, amounting to £126,840 for general officers, besides the sinecure colonelcies, which could hardly cost less than £100,000 more. He thought the whole system of pay and pensions in our Army was rotten and wrong, as well as the system of devolving upon the next generation burdens properly belonging to the present. He held that pensions only ought to be reserved exclusively for cases of wounds and distinguished services. Officers ought to provide for old age out of their incomes, and, even if their pay were proportionately increased, the service would gain in efficiency if the change made it less aristocratic, by throwing it more open to men without private fortunes, who must live on their pay.

Vote *agreed to.*

(7.) £480,500, Pay of Reduced and Retired Officers and Half Pay.

(8.) £156,400, Widows' Pensions, &c.

(9.) £22,300, Pensions for Wounds.

(10.) £34,400, Chelsea and Kilmainham Hospitals (In Pensions).

MR. ALDERMAN LUSK called attention to the amount of the Chelsea Vote, and complained that a very small portion of it was given to the pensioners, and a very large one to what was called the establishment, consisting mainly of officers of various ranks, who were provided for in other ways. He trusted that the Minister for War would turn his attention to the matter.

Vote *agreed to.*

(11.) £1,239,300, Out Pensions.

(12.) £17,900, Militia, Yeomanry Cavalry, and Volunteer Corps.

(13.) £132,000, Superanuation Allowances.

MR. CANDLISH said, he thought the scale of these allowances was ripe for revision. There was a Storekeeper General in the War Office, who had been thirteen years serving at a salary of £1,200, and who was now to receive a retiring allowance of £1,000. In juxtaposition with this there was a Quartermaster General at Chelsea, whose salary was £370, and who was to have a retiring allowance of £203. The system was full of anomalies such as these, and it was high time there should be a revision of it.

MR. CARDWELL said, the first case was part of the arrangement consequent on the appointment of Comptroller General. Every case as it occurred was referred to the Treasury. In some instances the case was decided in accordance with the requirements of an Act of Parliament, and sometimes without reference to any provision of the Act.

MR. ALDERMAN LUSK objected to the practice of pensioning men merely because they were old.

MR. M'LAREN observed, that the answer of the Secretary for War was not sufficiently explicit; it amounted to a perhaps, and if the right hon. Gentleman could not afford fuller information, silence would better have become him. If there were Acts of Parliament to regulate the granting of pensions they should be abided by, and if the Treasury had transgressed them, it was for the House to say whether they were justified in so doing.

MR. CARDWELL explained, that some superanuations were made under an Act of Parliament, and some had no specific provision of the Act to regulate them. The decision in the case of the latter, of course, rested with the Treasury.

MR. CANDLISH said, that, perhaps the right hon. Gentleman would consent to postpone the Vote.

MR. CARDWELL consented.

Vote *postponed.*

MR. CANDLISH wished to know how it happened that £43,047 had been expended for unforeseen and urgent services, without the sanction of Parliament, by the authority of the Lords of the Treasury?

MR. CARDWELL said, the item referred to a former year. It was impossible to foresee with perfect exactness in so large a service where and when the expenditure would be required, and under what heads.

MR. POLLARD-URQUHART added that the subject of unauthorized expenditure was at present under the consideration of a Committee.

House *resumed.*

Resolutions to be reported *To-morrow,* at Two of the clock; Committee to sit again *To-morrow.*

## ENDOWED HOSPITALS, &c. (SCOTLAND) (*re-committed*) BILL.

(*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam.*)

[BILL 124.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DR. LYON PLAYFAIR said, that the second reading of the Bill had been moved at one o'clock in the morning, when discussion upon its merits was then impossible; nor had his hon. and learned Friend the Lord Advocate given any reason why, with such a large and comprehensive measure for the reform of endowed schools in England, they should be treated with so small and restricted a measure for similar schools in Scotland. There might be some justification for this if the northern endowed schools were so much superior to the southern schools that they required less reform; but the very reverse was the case, for they were condemned by their own trustees, as well as by public opinion, and required reform of the most radical kind. The endowed schools of Scotland were proportionately fewer than in England; but, on the other hand, their wealth was much greater; for in Edinburgh alone the endowed schools had an income of £50,000, which was one-fourth of the total income of the English schools reported on by the Schools Inquiry Commission; and in all England there were only eight schools having incomes over £2,000 a year, while in Edinburgh alone there were the same number above that amount. Yet, notwithstanding this great wealth, the Scotch schools had a miserable amount of scholars—in Edinburgh only 1,100 boys were receiving education in these schools; and over all Scotland, with an income perhaps two-thirds that of England, the number of scholars was but small. Again, the educational results in Scotland were without question far lower than those in England; and if this were undeniable, then there was more necessity that the Scotch schools should come under at least equally stringent measures to render them educationally productive. It would require a very strong case to show that, while comprehensive and compulsory measures were necessary for England, contracted and voluntary measures were sufficient for Scotland. The term "hospitals" in this Bill concealed its meaning to many Englishmen. Anyone who had visited Edinburgh must have been struck by the number of palatial edifices which stud every party of the city, and force themselves on the attention of the visitor. It would be well for the honour of Modern Athens if he rested satisfied with their outward appearance of palatial grandeur, for he would not find a well-educated or thoughtful man who would praise the system pursued in them. In these "hospitals," as they are termed, though they are simply schools, 1,060 boys are immured in monastic seclusion, separated from home influences, separated from the world, which educates more than the schoolmaster, contracting habits and receiving an education which utterly unfit them for their future career. If monasteries act hurtfully on men with characters already moulded, they must necessarily intensify these evils in the case of boys, for they destroy individuality and substitute morality in theory for morality in practice. No wonder, then, that, generation after generation, these boys went out into the world pauperized morally and intellectually, and were no more heard of; for a distinguished "hospital boy" was unknown in Scotland. The parents of the boys were equally degraded by the existing system —instead of superintending the education on their children, and making a parent's sacrifice for their benefit, and bestowing upon them that vigilance which was the best part of home education, they relied on charity to do what they should do themselves. When Dr. Guthrie, so well known as a philanthropist, was asked, in his capacity of governor, to grant admission to an hospital for the son of a well-to-do father, his reply was, "My friend, were I you, it should not be till they had laid me in my coffin that boy of mine should lose the blessings of a fireside, and be cast amid the dangers of a public hospital." These unfavourable opinions were but the echo of Scotch feeling with regard to these institutions—they were the opinions of Dr. Bedford, the head-master of Heriot's Hospital, of Mr. Lawrie, the well-known educationist, of Mr. Fearon, one of the Commissioners; and those who have read his Report would understand the full significance of the mournful complaint made by the master of one of these hospital schools, when he said—"Here we have to pour everything into the boys." The dreary monotony of their life, the annihilation of their individuality, the destruction of the obligations and supports of family life, so completely stunted mental growth that the labours of teachers were of small avail. It was the system—not the trustees, not the teachers, who were in fault—it was this monastic system, rotten at the core, which required to be rooted up. Yet this Bill was a mere permissive Bill, and offered no securities for a radical reform, either now or in the future. The principles upon which a radical reform should be based were clearly laid down in the Report of the Schools Inquiry Commission, and in the admirable speech of the Vice President of the Council when he introduced the Endowed Schools Bill. That speech must be taken as the Government interpretation of the Bill, and as the indication of the manner in which it is to be worked by the Executive. The first principle enunciated was, that admission by merit must be substituted for admission by favour. Did they find, even in distant perspective, any such leading principle in this Bill? They were asked to intrust power to close corporations to reform themselves when they choose, and not unless they choose. Who ever heard of close corporations divesting themselves of their class privileges and their patronage, or of taking an enlarged view of the interests of the public as opposed to the interests of their constituents? The second principle enunciated by the Vice President of the Council, in his interpretation of the English Bill, was that gradation in schools must be established; so that, if there be two or more endowments in one district, they should not be mere duplicates, but each, acting in co-ordination, should supply a particular educational want of the district. And the Bill provided a double security for this—first, in the organizing Commission; and, second, in the permanent Educational Council. The Scotch Bill could not be worked in this wise way, for it was merely permissive. Each of the Edinburgh hospitals might propose if it like, and not unless it like, a scheme of reform for itself, and without relation either in time or circumstance to other schools. It was true that if any hospital should desire to initiate any reform, it was to petition the Secretary of State, who might inquire into the case by special commissioners. But the Secretary of State was not a Minister for Education, and was not responsible to the House for the education of the country. If, again, the actual inquiry was to be made by the Lord Advocate, that official was already overworked. Again, the Amendments proposed to refer the scheme to the sheriff. This really would result in making the Lord Advocate and the Sheriffs a cumbrous Charity Commission for Scotland, and a new irresponsible department for the secondary education of the country. The third principle enunciated by the Vice President of the Council was to abolish the powers that these schools possess of pauperizing the middle or poorer classes, by bestowing education as an alms or dole upon people who can afford and who ought to pay for it. Did this Bill in any way involve this wise principle? The only large reform ever attempted by the Edinburgh hospital schools was in the very face of the principle. Heriot's Hospital, groaning under a wealth which it could not employ further in pauperizing the burgesses, came to Parliament and obtained power to pauperize the working classes by establishing free schools in competition with the paying schools of the district. These schools were well taught, and contained 3,000 scholars; but they tempted parents amply able to pay for the education of their children, to shirk their responsibilities and avail themselves of charity. It might be supposed that these free schools served as feeders to the parent hospital, and that, by an open competition among the children attending them, there was a limited application of the principles of admission by merit and not by favour. But it was not so; the old, dreary system of patronage still went on, and the out-door schools had no connection, except in name, with the parent hospital. Thus, then, not one of the three great principles under which the English Endowed Schools Bill was brought forward was contained or is contemplated in the Scotch Bill, which was simply permissive, and relied on the hope that hospitals would reform themselves. In justification of the hope, the promoters of the Bill pointed to two facts—first, that the funds have prospered under the management of the trustees, and the second that reforms have already been initiated by one or more of the hospitals. It was true that the funds of the hospitals had largely increased; and in some cases their annual incomes approach the amount of their original capital, or, as in the case of Hutcheson's Hospital at Glasgow, largely exceeded it. Heriot's Hospital had an original capital of £24,000; its annual income was now £16,000. But it must be remembered that, since the foundation of that institution, Scotland had made enormous strides in material prosperity, and therefore it was but natural that the hospital funds, honestly administered, should have augmented in like proportion. In this respect the Scotch hospitals did not differ from the English endowed schools; but the Vice President of the Council did not on that account exempt them from the operations of his compulsory measure. The second argument—that certain hospitals showed a disposition to initiate reforms—was more to the point. It was true that the trustees of Watson's Hospital and others had shown a desire to effect reforms in their management—the former proposed to break up the monastic system, and to board the children with their own friends, and educate them at the burgh schools. This was an admission of their inability to organize an efficient system within their walls. But so limited were their notions that they still confined their benefits to a privileged class, and forgot that there was a large public without; and they had not given the slightest sign that they intended to extend the area or scope of education. On the other hand the actual proposal was to degrade respectable citizens by paying them a sum of £20 or £30 a year for the board of their own children. This was a prostitution of a moral duty in a very barefaced fashion, yet these reforms were probably quite as much as could be expected from close corporations. There might be the desire, but the reforms could only be efficient when submitted to one common organizing Commission, such as the Scotch National Board would be. The sweeping away of class privileges, the abolition of the charity system, the gradation of schools, and their correlation, were reforms that could never be obtained from close corporations themselves. The wants of secondary education in Scotland had been clearly made out by the School Inquiry Commission, and they could only be supplied by adequate organization and simultaneous action of all the endowed schools of a district. While not neglecting the education of the middle classes who could pay for it, they should send their roots down into the primary schools, so as to draw out of them, by an open competition, the *élite* of the poorer classes, and advance them by an education suitable to their future occupations; and they ought to throw out their branches into the Universities, so as to knit together the lower and higher education of the country. Instead of being stereotyped in one common mould, they should glory in distinctive character by establishing special schools fully appointed and equipped—such as trade schools, schools of commerce, schools of science, all properly graded and co-ordinated, so that pupils might pass from one to the other. A good deal of this might be obtained by persuasion and not compulsion, if the Lord Advocate would consent to postpone his measure and place the hospitals under the Scotch National Board which they were to be asked to create. He did not expect that he would agree with the promoters of the English measure in thinking that the hospitals might, with advantage to themselves and the public, have reforms wholly initiated by an outside independent body. But if the latter were intrusted with the restricted powers recommended by the Scotch Commission, and the initiation for a limited period were left with the hospitals themselves, a much better result could be secured for the education of Scotland than can be expected from the Bill in its present shape. He, therefore, appealed to the Lord Advocate to go into the Committee on this occasion *pro forma*, and delay the prosecution of the measure for a few weeks, until he saw whether the Scotch Board would be created, so as to enable him to carry out the recommendations of the Royal Commission, of which he was such a distinguished and efficient member. He was quite sure that his learned Friend had brought in his Bill in the conviction that it opened up the path of reform. He (Dr. Lyon Playfair) was equally convinced that it would block up the path of reform with crude and disjointed schemes, and that Scotland would by it be thrown many years behind England in its educational progress.

Mr. CAMPBELL, in seconding the Motion, said, that what appeared to him to be the great objection to this Bill was the fact that it was suited only to those institutions which were willing to reform themselves. Some were anxious to reform themselves and others were not. If the Bill passed into law, there would be spasmodic efforts enough, but no uniform system of administering the funds. The whole circumstances of the case were such as to render obvious the necessity for immediate inquiry; and he should have been glad if the Motion of the hon. Baronet the Member for Lanarkshire had been agreed to. If the right hon. Gentleman would permit the insertion in this measure of clauses such as had been suggested by the hon. Baronet and other Members, it might be made more effectual in developing those great forces that were latent in Scotland for informing the ignorance, and, to a certain extent, relieving the necessities of the people.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Dr. Lyon Playfair,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. M'LAREN said, his impression was that every Scotchman owed a debt of gratitude to the Lord Advocate for introducing this Bill. He would himself have been willing to see a larger measure; but there was no reason why they should not accept a smaller measure, if it were directed to a good end, as he firmly believed this was. His hon. Friend (Dr. Lyon Playfair), in order to depreciate the hospital institutions, had represented that the funds had increased merely because of the material increase of the wealth of the country; but he (Mr. M'Laren) maintained that the funds of these institutions had increased because they had been well invested and economized. His hon. Friend had spoken in a manner not quite respectful of the sheriffs of Scotland. These gentlemen were important legal functionaries, who, from the different powers which they combined in their office, were peculiarly qualified for the part they would have to take under the Bill. The function of the sheriffs in this matter would be, not to propose a scheme for the management of these institutions, but to hear evidence, to digest it, and report their opinion to the Secretary for the Home Department and the Lord Advocate. To join with them members of the Universities would be a useless incumbrance, and add to the expense without a corresponding benefit. The main argument in favour of the Bill was its expediency. The question had been argued somewhat as if the House were entitled to take all these funds, belonging to private endowed hospitals, and throw them into the hands of some managing body, who would deal with them as they thought fit, disregarding altogether the wishes of the original founders; but he contended that they could not deal with the funds of such institutions as Donaldson's and Fettis' Hospitals, the first of which had been founded within the last half-century, and the last not yet finished, in such a manner without plainly setting aside the intentions of the founders. By so doing they would, in the case of Donaldson's, and other such hospitals, deprive the poorer classes of the benefit the founders intended for them, and divert them practically to the rich and prosperous. In short, he believed that these institutions were most admirably managed as they now were, and what was wanted was that they should have power, which they had not at present, to extend their operations, to establish outdoor schools, and reform themselves. In this way the Lord Advocate might do a great deal of good by carrying the Bill he had introduced.

SIR E. COLEBROOKE was willing to do full justice both to the intentions of Her Majesty's Government and to the desire of the managers of these institutions, to administer their funds to the best advantage; but as regarded the Bill, it was obvious that a mere permissive measure would not meet the requirements of the case. He felt convinced that the only effectual way of dealing with the question was by a measure which would give to Scotland the same advantages as those which would be conferred by the Bill for England. But if this could not be done, they should make full and immediate inquiry into the subject, with the view of making the Bill for Scotland more efficient.

MR. W. E. FORSTER said, he entertained no doubt but that the managers of these institutions—those who had the administration of the endowments—were desirous of turning them to the best advantage. He felt scarcely capable of giving an opinion on this Scotch measure; but he had had an interview with those managers who had been to London in connection with the Bill, and he was gratified to observe how anxious they seemed to be to reform these institutions, and open them up generally for the benefit of the people of Scotland. He had ventured to propound some ideas to them, and they seemed to receive his suggestions with the greatest possible readiness, showing the utmost desire to effect such improvements as were calculated to render the institutions efficient. He could well understand the objection of the Member for Edinburgh University, thinking that, if this scheme were adopted, a great and comprehensive measure of reform might be indefinitely postponed; but that objection was entirely removed by the last clause of the Bill, which makes it simply a temporary measure only continuing in force, until 31st December, 1871. He could not but think that the Bill afforded a fair opportunity of testing whether the managers of these great institutions were not willing to do what many of them stated they desired, by putting them in a position in which they might carry out the reforms required.

MR. PARKER said, many Members seemed not aware of the fact that this Bill did not profess to be a comprehensive measure, dealing with the whole question of secondary education in Scotland. It was one urged upon the Government, in the first instance, by some of the managers of those great hospitals, and taken up by the Government, in order that those trustees might have granted to them the facilities for improving the institutions which they required, and would not interfere with a more comprehensive consideration of the question whenever circumstances would permit. In his opinion they were very much indebted to the hon. Member for the University of Edinburgh (Dr. Lyon Playfair) for having enforced upon them the importance of introducing a Bill for Scotland resembling that for education for England, which had been so rapidly carried through the House. When such a measure should be introduced, it would, no doubt, have due regard to the principles which the hon. Member had laid down. It seemed to be supposed that no legislation on a larger scale was undertaken, because there had been no inquiry into middle-class education in Scotland. But he held in his hand two volumes—one entirely devoted to the Report on middle-class education, the other containing the Reports of the Assistant Commissioners. He would refer to the first volume and to the Report of Mr. Fearon in the second, to show that there already existed ample materials for legislation. The fact was that in Scotland they had done precisely the opposite to what they had done in England. In Scotland they had commenced with primary education, and he hoped to see it extend to the middle classes; and in England they had begun with middle class education, and he had no doubt it would there have a good effect upon primary instruction. Taking all the obstacles together that stood in the way of education, both in England and in Scotland, he might say that they were all comprised in the term, "want of organization" in relation to the powers which would have to work in unison for the attainment of the common end. This he wished to say—The minds of the poorer classes in Scotland were fully occupied by the idea that not only was a good primary measure of education the great thing wanted, but that an arrangement was very much needed, which would allow them to rise from grade to grade as their abilities might fit them, and that they might ascend from the primary school, making their own way, until they reached to the University to receive the reward of their own exertions.

THE LORD ADVOCATE said, that the hon. Member for the University of Edinburgh (Dr. Lyon Playfair) seemed to misunderstand the object of the Bill, and what it professed to accomplish. It was not intended for the reform of the hospitals upon a large and sweeping scale; for it was not the intention of Her Majesty's Government to deal with the question of middle-class education—they were not in a position to do so. They felt that, until the elementary education of the people of Scotland was established on a basis on which they could rely, they could not effectually deal with middle-claass education. The Universities had been greatly reformed, and they hoped to effect a great improvement in the primary schools; but until this was done, they could not attempt to fill up the gap. He should like to see a full system of education supported by the public property, beginning with the lowest step and ascending up to the Universities, and these endowments would be a magnificent foundation for such a scheme. The object of this Bill was to relieve the trustees of the large institutions from the difficulties in which they were placed. They felt that the present system was full of faults, and they were unable to remedy it; they asked therefore for power to be granted them to make these schools more effectual. When that application was made it was not thought fit to reject it, for it was felt, that when they asked to revise their own foundations, it would be very desirable that they should be helped in doing so. If they should neglect to perform their duty, the Bill still retained to the Government the power of dealing with the question. Should the Bill of the other House be found to be a good and effectual measure, he should have no objection to engraft this Bill upon it.

Amendment, by leave, *withdrawn.*

MR. HENLEY said, that the justice done to Scotland by the Bill was of a very mild description, but it did not seem to be very agreeable in certain quarters when it came to be applied.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee, and *reported;* as amended, to be considered upon *Monday* next.

### SALMON FISHERIES.

Select Committee *appointed,* "to inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein."—(*Mr. Dodds.*)

And, on June 25, Committee *nominated* as follows:—Mr. KNATCHBULL-HUGESSEN, Mr. LIDDELL, Mr. PEASE, Earl PERCY, Mr. EVAN RICHARDS, Mr. STAVELEY HILL, Mr. WHITWELL, Mr. ASSHETON, Colonel EDWARDES, Mr. KNIGHT, Mr. HENRY HERBERT, Mr. HAMBRO, Colonel AMCOTTS, Mr. WILLIAM LOWTHER, and Mr. DODDS:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half after One o'clock.

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# HOUSE OF LORDS,

*Friday,* 18*th June,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Supplemental (No. 2)* (136).

*Second Reading*—Irish Church (109); Pier and Harbour Orders Confirmation * (134); Drainage and Improvement of Lands (Ireland) Supplemental * (39).

*Committee—Report*—Newspapers Printing and Reading Rooms * (80-137); Exchequer Bonds (£2,300,000)*.

## IRISH CHURCH BILL—(No. 109.)

(*The Earl Granville.*)

### SECOND READING.

### DEBATE RESUMED. [FOURTH NIGHT.]

Order of the Day for resuming the adjourned Debate on the Amendment to the Motion for the Second Reading—which Amendment was to leave out ("now") and insert ("this day three months")—(*The Earl of Harrowby*)—read.

Debate *resumed* accordingly.

EARL RUSSELL: My Lords, the question of the Irish Church is one in which I have always taken the deepest interest, and upon which I have always pursued a consistent course. I have always had in my mind the injustice of the Irish Church, and have from time to time endeavoured to bring about a settlement of the question. At one time I was in favour of a compromise, by which a certain surplus of the revenues of the Irish Church should be devoted to purposes not connected with that Church. On other occasions I was in favour of inquiry; while, for a considerable period of time, I let the question rest, trusting that public opinion would be eventually matured by the advice of those eminent and learned men who have given their views upon the subject. I rejoice that at length this question has been taken up in a befitting manner by a great Minister, who, by his able, his honest, and his courageous policy has endeavoured to settle it, and has been fortunate enough to awaken in the people of the United Kingdom a sentiment of justice and sympathy towards the people of Ireland which they have never hitherto had the good fortune to see prevail. In considering this question I beg to observe that there is something to be observed with regard to my noble Friend who moved the Amendment (the Earl of Harrowby). There is, I believe a passage in *Cicero,* in which—discussing the best course for an advocate to pursue—he says there are some who affirm that the weak points of a case should be treated at the beginning of a speech; others who say that they should be treated in the middle; while there are others who maintain that they should be treated towards the end. "But," adds Cicero, "my course has been to leave out the weak points alto-
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gether." Now, this appears to me to have been the course which has been pursued, not only by my noble Friend, but by other advocates on the same side. It is the course which has been pursued by a very learned and great advocate (Sir Roundell Palmer), whose speech in the other House on this subject has been published to the world. The great weakness in the case of those who oppose this measure, and all measures of a similar kind, is, that they forget that three-fourths of the people of Ireland are Roman Catholics, and that of the remaining fourth only one-half belong to the Established Church. That is the plain case, and these few words seem to me really to be decisive of the principle of the question; but it is invariably omitted by great advocates on the other side in opposing this measure. If there were only 1,200,000 people in Ireland, and if 700,000 of them belonged to the Established Church, and if the congregations were composed of 200, 300, or 400, it would not be very difficult to defend the Established Church. But the moment you admit there are 4,500,000 Roman Catholics in the country the whole case is altered; and the question comes to be, what is to be done with those who differ from the Church? A right rev. Prelate who flourished in the last century has left on record an account of his conduct. He tells us that the great bulk of the population of his diocese in Ireland were Roman Catholics, and that they would not listen to his ministrations, and that the only course which he could pursue was to disperse amongst them Roman Catholic works which were conducive to religion and morality. But this appears to me to be in effect giving up the whole case; because, if a Protestant Bishop of the Established Church can do nothing better than give the people instruction in the Roman Catholic faith, according to the opinion of Roman Catholic authors, it is evident that it would be as well to have a Roman Catholic Bishop there and not to pretend to teach them at all. A distinguished person who has been frequently referred to—one of the greatest men that Ireland ever produced, and one whose opinions with regard to Ireland are deserving of the utmost respect—I allude to Mr. Grattan—thus spoke of the Irish Church—

> "The Church established by law in Ireland is the Church of England; but the Established Church, for the most part, in justice, should be of the religion of the people. The Establishment of the Church is not made for the King, nor for the lords and ladies of the Court; it is made for the people; so it is in Scotland; in Ireland it is otherwise. You have established your own Church in Ireland, and have made the people pay it; but you go further, you disqualify three-fourths of Ireland for that Church—the Church of another country."—[*Grattan's Speeches.*]

No doubt by the word "disqualified" he meant civil and political disqualification, and did not refer to the Established Church. His view was founded on the opinion of Mr. Pitt—to which I shall have occasion to refer—that the Irish Church might be left as it was, but that there should be a large endowment of the Roman Catholic Church, by which means he thought religious equality would be secured. The right rev. Prelate who spoke with such splendid eloquence on Tuesday night (the Bishop of Peterborough) very properly divided this matter into the question of justice, the question of policy, and the question of the verdict which has been given by the country. In the first place, with regard to justice, I cannot but think that the few words I have quoted from Mr. Grattan have disposed of that question. It cannot be right that there should be an Established Church for one-eighth of the people of Ireland. We know that that Church was established by Queen Elizabeth, and we have been accustomed to look upon that Monarch as a wise princess. We now know, from the researches of Froude, that the wisdom of Queen Elizabeth was, in fact, the wisdom of Lord Burleigh, who dictated the councils of that Sovereign. Now, I think that if the shade of Lord Burleigh could have been present in our Gallery last night he would have been proud—if disembodied spirits can be supposed to have emotions of that kind—of his descendant. This debate, I think, has also shown, not only as regards the lay Peers, but the Lords Spiritual, who have life peerages in this House, that there is an abundance of eloquence and ability in your Lordships' House; and I think that when your walls are armed with such heavy artillery you may well feel no alarm at the irregular firing of some awkward volunteer, who has fired off his piece without orders from his commanding officer. The right rev. Prelate, the other night, made a distinction which, like the rest of his very brilliant speech, was exceedingly plausible, but which I think will scarcely bear examination. He contended that two things were to be considered—religious equality and equality of religion. Now, with regard to equality of religion, the question is not whether one form of Christian religion is better than another, but whether one form or another is best fitted to give instruction to the people. I quite admit that the religion of the Church of England is better than the religion of the Church of Rome; indeed, I think it is the best existing Christian Church in the world. I do not go so far as to agree in the opinion of Lord Chatham that its Liturgy is Popish and its Articles Calvinistic, though possibly there may be something too Popish in its Liturgy and something too Calvinistic in its Articles; but, on the whole, I believe there is no Church to be preferred to it. But am I therefore to conclude that that religion must be forced upon the people of Ireland, though it is not the religion they are willing to adopt? I cannot but advert to an opinion given by Lord Melbourne in this House, on a similar occasion to this. He said that we find great fault with our ancestors, and, speaking of the Church established in Ireland, we are too apt to accuse them of folly; but it is not clear but that they intended when they set up the Established Church in Ireland that that should be the religion of the people of that country. I am quite convinced that if Queen Elizabeth had found that the Irish Church had not been accepted by the nation she would have behaved with regard to it as she did in the case of monopolies. At first she was very much in favour of what were called monopolies; but when she found that the sense of her people was against them she abolished them; and I believe that, in like manner, had she lived some years longer, and gone to Ireland and ascertained that the people of that country were determined adherents of the Roman Catholic Church, and could not be induced to adopt the Protestant religion, she would, with some not very polite words, have dismissed the clergy of the Protestant Church—that she would probably have called them "scurvy fellows," and desired them to leave the country; and although she might not have established the Roman Catholic Church, she would, probably, have altogether disestablished and disendowed the Protestant Church. However that may be, we have gone on for 300 years, and we find that at the end of the last century Mr. Grattan repeatedly stated that three-fourths of the people of Ireland were Roman Catholics; and having got past the middle of this century, we still find that, although the number of Roman Catholics has been diminished by famine and emigration, they constitute three-fourths of the population. I say, then, after the experience of three centuries, that it is quite time to give up this experiment and say that we will no longer persist in that attempt. Then, turning from that question of justice, according to which there ought to be no longer an Established Church in Ireland, we come to the next question which the right rev. Prelate said should be treated—namely, the question of policy. Now, with regard to the question of policy, a noble Friend of mine (the Duke of Devonshire), who addressed your Lordships last night with great authority, stated that he would have preferred a very different system from that contained in the Bill now before us. We all know that Mr. Pitt was of opinion that along with the Established Church, which he insisted should be perpetually maintained, there should be a large endowment for the Roman Catholic Church. I have here some extracts from Lord Castlereagh's Correspondence, which show the hopes held out to the Roman Catholics at the time of the Union. We have been referred to the terms of the Act of Union, and no doubt it is an Act of Parliament that ought not to be treated lightly. That which is contained in an Act of Parliament—which, at all events, was a compact between two Legislatures—cannot be lightly set aside. It can only be set aside in a great crisis, and in what I do not hesitate to call a great revolution. But is not this a great crisis? And is it not incumbent on your Lordships, if you can really unite the three nations in amity and friendship—is it not incumbent on you to consider whether the letter of the Act of Parliament should be set aside? But what were the declarations of Lord Castlereagh with respect to the Union? He states most fairly, in a letter to Mr. Pitt, that there was great difficulty in carrying that measure, and that the party opposed to it were very strong. We all know that at the beginning there was a majority in the Irish Parliament against it. The majority of the Irish Protestants being against the Act of Union, the question came to be whether the Roman Catholics could be conciliated and induced to desist from all opposition. Lord Cornwallis, who was a man of great prudence and caution, said he would not hold out any hopes to the Catholics unless he had some authority from the Cabinet in London. By his desire Lord Castlereagh came over and saw Mr. Pitt; I do not know whether he saw all the Members of the Cabinet, but at all events he saw the leading Ministers. And what did they tell him? They told him that he would be quite safe in asking for the assistance of the Catholics, because they were all determined on making large concessions to them; they told him he might be sure that if the Union were carried Mr. Pitt would agree to make those concessions. Lord Castlereagh goes on to state the effect of these representations. Having got this authority from Mr. Pitt and his Colleagues he says—

> "In consequence of this communication the Irish Government omitted no exertions to call forth the Catholics in favour of the Union. Their efforts were very generally successful, and the advantage derived from this was highly useful, particularly in depriving the Opposition of the means they otherwise would have had in the southern and western counties of making an impression on the county Members. His Excellency was enabled to accomplish this purpose without giving to the Catholics any direct assurance of their being gratified; and throughout the contest he earnestly avoided being driven to such an expedient, as he considered that gratuitous concession, after the measure had been carried, would be more consistent with the character of an independent Government." —[*Memoirs and Correspondence of Lord Castlereagh.*]

No doubt, if this concession had been proposed and carried by the Government immediately after the Union it would have been more gratifying, and a greater sign of power on the part of the Government, and would likewise have been more acceptable to the Roman Catholics. But how did the Scotch behave under similar circumstances? I wish your Lordships would here observe the great difference of character between the Scotch and the Irish; the Scotch being exceedingly prudent and "canny"—to use a word of their own—and the Irish being very impetuous, very credulous, and sometimes over-generous. When the Scotch were told that if they would acknowledge King William he would take into consideration their claims with regard to their Church, and the abolition of prelacy, what was their answer? They said they would listen to nothing of the kind—that no promises would satisfy them—that when prelacy was abolished they would be ready to acknowledge King William; but that before prelacy was abolished they would take no steps to dethrone King James and to acknowledge King William. That prudent and wise conduct succeeded. King William and his Council met; they said they had no help for it; they could not get the change in the possession of the Throne acknowledged unless prelacy was abolished. Prelacy was, therefore, at once abolished; and King William became King of Scotland as well as of England. The Irish Catholics, I am sorry to say, did not pursue a similar course. They gave their full support to the Union; the Union was carried; and all the promises made were thrown to the winds—not by Mr. Pitt, who wished to carry them into effect, but by those who succeeded him, and by subsequent Governments for nearly thirty years. I cannot refrain from reciting to your Lordships what Lord Castlereagh circulated among the Roman Catholics—

> "Mr. Pitt and his Colleagues retired from Office for the following reasons—First, a strong and unalterable opinion that a system of comprehension is essential to our future policy, in order that we may derive from the Union all the advantages of which it is capable; secondly, because from this conviction they have, for the last two years, suffered the Irish Catholics to form a strong expectation that their hopes must be gratified, and it was impossible to disappoint those hopes without being guilty of a breach of faith."—[*Ibid.*]

It is, therefore, clearly declared by Lord Castlereagh, on the part of Mr. Pitt, that a breach of faith was committed towards the Roman Catholics at the time of the Union, and a breach of faith with regard to what Lord Castlereagh called a system of "comprehension." This was a "comprehension," not merely for political offices or civil privileges, for Mr. Pitt, in his speech on the Union, mentioned the case of the Church as one in which Roman Catholics thought they had a grievance. We know from the speeches of Mr. Pitt and Lord Grenville what was the plan they had in view. They made a solemn promise which they meant to carry into effect, but they were defeated by the reluctance and refusal of the King to entertain their plan. Mr. Pitt returned to Office for a short time, but he died before he could carry into effect any proposal for the relief of the Roman Catholics. My belief is that if George the Third had died, or had been disabled by illness, Mr. Pitt would have endeavoured to carry out his promises. It is, of course, an historical question whether or not he was bound at once to do so. The position in which he was placed was one of the greatest difficulty, and one on which I think posterity is hardly able to form a judgment. The Battle of Trafalgar was his magnificent apology for his breach of promise. But with regard to those who followed him it is melancholy to think that, from the time of the Act of Union in 1801 until 1829, nothing was done to fulfil those promises. The Roman Catholics were continually cheated, deluded, sometimes kept in suspense, but never had anything done for them. The father of my noble Friend sitting on the cross-Bench (Earl Grey), ventured, indeed, to propose that officers of the Army and Navy, being Roman Catholics, should be allowed to rise to the position of colonels and generals in the Army and of captains and admirals in the Navy; but that proposition was thought so monstrous that the Government were, in consequence, dismissed from power, Lord Grenville was never again a Minister, and for twenty-three years Lord Grey was excluded from Office, because he had the audacity to propose that men who were shedding their blood for their country, who fought against France with the same courage as their Protestant comrades, should be allowed to receive the rewards due to their valour and patriotism. We were told last night by the noble Earl (the Earl of Derby), on the authority of the Dean of Westminster, that this proposal to disestablish and abolish the Irish Church is an act, not of justice, but of vengeance. Now, there may be some vengeance in it; but we are not to forget the way in which for upwards of two centuries the Roman Catholics were treated. Many of your Lordships will recollect Lord Lansdowne in this House. Lord Lansdowne's father—better known as Lord Shelburne—was Secretary of State, and he stated in this House in 1778, that when he filled that office he found a Roman Catholic priest condemned to imprisonment for life for the offence of having said mass in a Roman Catholic chapel. Only conceive, my Lords, that for the performance of what he considered the sacred duties of his religion to his fellow-countrymen of the same faith he should have been liable to imprisonment for life! Lord Shelburne went on to say that nothing but the exercise of the clemency of the Crown relieved the priest from the penalty. Well, my Lords, the case was the same in Ireland. The Roman Catholic priests were hunted from one place to another, and it was with the greatest difficulty that they could obtain access to the poor peasants who were afflicted with disease and who were dying; and while they were obliged to hide in caves, and were not allowed to perform the rites of their religion or to administer consolation to the dying, the Established Church was in great splendour. I remember hearing, indeed, in the House of Commons, from the son of Mr. Grattan, of the immense sums which the Protestant Bishops had left to their families and which they had accumulated during their episcopate. There is a story of a Protestant Bishop, whose family have been distinguished in the Church and in the legal profession, hearing from another Bishop that he had saved £240,000, upon which Bishop Law replied—"That is a large sum, my Lord, for a Christian Bishop to have saved in a poor country." Can your Lordships be surprised, if such has been the case, that the Irish people do compare the wealth and the pomp and the grandeur of the Established Church, with the condition of their own priesthood, driven from one hut to another, and with great difficulty being able, in some mud cabin, to say mass and to perform the ceremonies of their religion—can your Lordships be surprised that, at the end of a long time, there is this feeling of resentment amongst the Roman Catholic population of Ireland? They are deeply attached to, and would do anything on behalf of the pastors of their religion—they cannot forget the manner in which they have been treated—is it surprising, therefore, that they should join in this wish for the abolition of the Church Establishment? But, my Lords, it is said, and said now rather late in the day, that it would have been better to have had concurrent endowment than to obtain equality by abolishing all State religions. Well, my Lords, that has long been my opinion. I voted, in 1825, for the Motion which was made by Lord Ellesmere, I think, for the endowment of the Roman Catholic clergy, meaning to maintain the Protestant Establishment. In 1845, when Sir Robert Peel proposed the endowment to Maynooth, I not only supported that Bill — though being a Member for the City of London I had many remonstrances against my conduct —but I declared that I was quite ready to support the endowment of the Roman Catholic clergy. I still say that if, in 1825, Lord Liverpool had not opposed that measure, and it had been carried, it would have been preferable to the plan which is now before your Lordships. But, my Lords, time goes on. When I was in high Office, between 1846 and 1850, I wrote to an eminent Archbishop —Archbishop Murray—to ask him whether the Roman Catholics would accept endowment from the Parliament of this country? He told me that they certainly would not. There was a feeling among them—there is that feeling among them still—you may call it, perhaps, a selfish feeling, but I think it is not an unnatural one—that if they accepted anything like maintenance from the Government of England, or from the Parliament of England, their people would cease to follow them, and if they recommended peace and order and obedience to the laws, they would be told—"You do all this as the stipendiaries of the English Government; we can no longer have any confidence in you; we can no longer follow you as our spiritual guides." It might or it might not be that that consequence would follow; but no doubt the opinion was at that time the opinion of Archbishop Murray, and is in this day that of Cardinal Cullen; and it is true also that the whole of the Roman Catholic Bishops of Ireland have come to a resolution, which no doubt will be binding on their clergy, that they will accept no endowment and no maintenance from the Government of this country. While such is the disposition of the Roman Catholic clergy of Ireland, what is the disposition of the people of England and of Scotland? It is quite clear that the disposition of the people of England and the people of Scotland is opposed to any new endowment, and more especially to any endowment in favour of the Roman Catholic clergy. So that what was excellent in 1801, what might have been effected in 1825, is now entirely hopeless, and no Minister would now be likely to bring forward any scheme of the kind against which the people have so strongly expressed their opinion. I, myself, have tried within these two years to see whether such a scheme might not be accepted; and I must say that I found the current of opinion so strongly against me that I am obliged to declare that some other plan must be adopted. Your Lordships may think it very unwise to adopt this measure—just as the Roman Senate might have thought it very unwise of Tarquinius Priscus to purchase the single remaining book at the price the Sybil originally asked for the whole three—but he was wise enough not to be influenced by such advice. In like manner you may be told—"You had the Pitt Sybil, who brought you three very handsome volumes, containing a great deal of useful warning and prophecy, and those you refused. Then you had the Melbourne Sybil, who offered you two volumes at the same price as for the three, and those you refused; and now you have got to the last volume you are going to give the same price for that single book. What can be more inconsistent—what can be more absurd than such conduct?" But Tarquinius Priscus, when he found that he could not get the three volumes or the two, was content to take the one, because he thought it was of great importance for the welfare of Rome. It is of no use saying now—"What a good thing it would have been to have adopted the first plan of Mr. Pitt; what a wise thing it would have been to have listened to Mr. Canning! Why did you not accept the views of Sir Robert Peel? Why did you reject all these things?" But I say the great Tory majority of the country, and the great Tory majority in Parliament, would not listen to such men as Mr. Pitt, Mr. Canning, and Sir Robert Peel, in whom they had every reason to trust. Mr. Pitt had, I believe, only fifty-two followers when he ventured to question the wisdom of Mr. Addington's Administration; and the followers of Mr. Canning were hated and abused when they proposed wide and comprehensive plans. I have myself witnessed in the House of Commons the excess of that frantic zeal against Ministers whom they ought to have trusted, and who were the leaders of their own party; and now, in 1869, you come forward and say—"We are ready to adopt Mr. Pitt's plan." It is quite childish at this time to take such a course. The right rev. Prelate, of whom I have already spoken, raised a question with regard to a policy exceedingly dangerous in itself, and if it had not come from such a quarter I should say that the Church, like Samson captive and blind, rather than perform servile work was ready to shake the pillars and bring down the whole fabric of the social state of Ireland. Of course, that is not the view of the right rev. Prelate; yet he said—

> "There is one-tenth of the land in the hands of the clergy, and nine-tenths in the hands of the landlords, and you will give them the one-tenth which belongs to the clergy, and do you think they would be satisfied with that?"—[3 *Hansard*, cxcvi. 1861.]

And the right rev. Prelate said, "You will never satisfy them in this way." There seems to me to be a very clear distinction between the two cases. The Church is an institution: it may be a good institution, or it may be a bad institution. Lord Macaulay, who was referred to last night by my noble Friend (Earl Stanhope), for some time was of opinion that it would be wise to retain it; but ultimately, I believe, he gave up that opinion, and said that when the Church was free from all abuses, when the clergy were not to be reproached with failure of their duty, then would come the day when the Church would be abolished. Lord Macaulay, of course, did not mean that the good conduct of its clergy would cause its fall; but that nothing in the way of exemplary demeanour within the Church would relieve it from the disestablishment which he saw impending. What is the case with respect to the landed proprietors of Ireland? You have there to deal not with an institution, but with private property. No doubt there have been confiscations at various times—it is said that the soil of Ireland has been confiscated three times over. The land has been confiscated after rebellions—after the rebellion following the Gunpowder Plot, and after the civil wars of Charles I.; the land has been confiscated, and the property has been given to others. The right rev. Prelate asked—"Were those confiscations just or unjust? If they were unjust you are bound to give back the whole of that landed property to the heirs of those who formerly possessed it." I trust your Lordships were not influenced by the fervid eloquence with which that proposition was mooted. It is a most serious proposition. Who shall say at this day, whether confiscations of property in consequence of rebellions a century or two, or five centuries ago, were just or unjust? The other day a Bill was brought into the House of Commons which had reference to the distribution of the property of Greenwich Hospital. Will you tell me whether Lord Derwentwater was justly or unjustly condemned? I take for granted he was justly condemned, and I suppose nobody would venture to raise the question over again. Then, again, as regards the Settlement of 1662, does anyone suppose that the Settlement then made is to be disturbed, and that this and subsequent settlements of property in England and Ireland are to be disturbed? It is obvious that if you go back to the Reformation and see whether the property of the monasteries was rightly confiscated or not, you might go back to the Wars of the Roses, and you might go back to the time of William the Conqueror and the settlement of the county of Cheshire. Does anyone really, soberly, seriously propose that there should be such an investigation of titles, first in Ireland and then in England, having regard to the treasons and conspiracies that have taken place during the last seven or eight centuries? Does anybody in his sober senses propose such a thing? What did the right rev. Prelate mean by such a proposition? If he does not propose the thing seriously, why does he propose it at all? He reminds me of Achilles, who was invulnerable and clad in impenetrable armour; but still there was his heel which was capable of receiving af atal wound, in spite of the splendid arms and impenetrable frame. I listened, I must say, with the greatest delight to another right rev. Prelate (the Bishop of St. David's), who addressed the House with so much eloquence, and who relieved this question of a great deal of the superstitious impressions which prevail with respect to Church property. It was very natural, no doubt, in the Middle Ages, that there should be a mixture of superstition in this matter; but the real point is that to which the right rev. Prelate adverted when he said that the person who opens a market-place, which is beneficial to mankind, makes an offering to God quite as much the man who builds a splendid cathedral. That is quite true. Let me put a case of an institution founded for a purpose useful at the time, but which afterwards ceased to exist. Suppose that, while Jerusalem was in the hands of the crusaders, a person had made a splendid foundation for all pilgrims who should return from the East affected with leprosy, and that, as portion of the scheme, a number of medical offices were constituted. Supposing that, in course of time, the income swelled to £10,000, £20,000, or £30,000 a year, and that there were no persons affected with leprosy to partake of the benefits of the foundation. If there were no persons coming from the Holy Land so affected, the purpose of the original founder, however excellent, would have ceased to exist. Would any Charity Commissioner, or any body entrusted with discretion in such a matter, propose to continue the appropriation of the income to a certain number of medical men, in order to comply with a bequest, the object of which, originally excellent, has become obsolete? But if you would not do so in the case of a hospital for surgeons and physicians, why should you do it for the members of a Church whose purpose is gone by? Is it right that the revenues of the Church should be applied to the support of a man by whom religious duty is performed, at which, perhaps, only one or two persons attend? If it is right to interfere in the one case it is right in the other; and thus this property becomes applicable to other purposes. Assuming, however, both disestablishment and disendowment to be just and expedient, then comes the question which has been very properly argued by the most rev. the Primate of England—in a speech to which I listened with the greatest attention and admiration—whether the constructive part of the Bill is equally wise and necessary as that which precedes it. You do not say, as the noble Marquess (the Marquess of Salisbury) very justly pointed out, that because you accept disendowment that disendowment must be total. You do not say that nothing whatever shall be left to the Church. Those who spoke last year, both in this House and the House of Commons—Mr. Bright being the foremost of them—said that great generosity should be shown to the Established Church. Mr. Bright, I think, was willing to leave the clergyman and congregation in possession of the church and parsonage in cases where they were willing to continue the use of them. Now the difficulty in this case is one which was well stated by the Home Secretary (Mr. Bruce) at a time when the matter had evidently not been decided by the Cabinet. Having been defeated in Wales, he offered himself for a Scotch county; and as the Scotch are apt to be very inquisitive on these occasions, he was questioned as to the intention of the Government with regard to disendowment. He replied that there was a difficulty, and that the Government had not made up their minds. It would be very desirable, he said, that a considerable property should be left to that which had existed for 300 years as an Established Church; but, on the other hand, the Government were committed to religious equality, and if they left considerable property in the hands of the ministers of one-eighth of the people, what was to be done with regard to the six-eighths who were Roman Catholics and the other eighth who were Presbyterians? There could not be religious equality without either disendowing the whole or providing for each of the three. Now, that was a very fair statement of the difficulty. For my own part I have come to a conclusion differing from that of the Cabinet. I should have been glad if they had left a greater part of their revenues to the Established Church, even although the logical, and, I think, the fair and wise consequence had been that the Roman Catholic Church and the Presbyterian Church of Ireland would have derived some benefit from that decision.

My Lords, with regard to this Bill I confess that, though I agree with a great part of it, I think that some of its provisions are very unjust, and there are two parts of it that I very much dislike. One of those parts is the end of the Preamble, and the other is the last clause. I do not confine my objections to these parts, but I think that if they were altered it would effect a considerable amendment in the Bill. The Preamble says that, after satisfying all equitable claims, the property of the Irish Church "shall be applied for the advantage of the Irish people." So far I entirely agree with those who drew this Bill. But it goes on to say—"but not for the maintenance of any Church, or clergy, or other ministry, nor for the teaching of religion." I confess that it appears to me that if there is any country in the world where it is not expedient to declare that you will have no teaching of religion, it is Ireland. I think not only that the ministers of the Established Church are a great good, even where they have not large congregations, but I entirely hold with that opinion which the noble Earl (the Earl of Derby) read yesterday from a pamphlet of mine—that it is very desirable that in many parts of Ireland where there is not a sufficient congregation, there should be resident among the population an educated gentleman who is disposed to concur in all the charities of life, and will give a good example to his countrymen, and who will be generally esteemed by his Roman Catholic as well as his Protestant neighbours. I can easily conceive five or six gentlemen of a county coming to the body administering that fund—say from Waterford or Kilkenny—and saying—"We have murders in our part of the country, our people are very barbarous and uncivilized, but there is a person who has a good deal of influence with them, who is likely to be able by his influence to put a stop to these murders, and to induce the people to lead a more moral course of life. We should like to get some of this money, that we are told amounts to £7,000,000 of surplus after all just claims of the Established Church are satisfied, to enable us, in the first place, to build a house for this person, and, in the next place, to build him a chapel." The Commissioners would say—"Is this person mad?" The answer, of course, would be—"No; he is in his perfect senses." "Well, then, is he an idiot?" "On the contrary, he is a man of very sound mind." "But if the man is neither mad nor an idiot, does he refrain altogether from teaching religion?" "No; we cannot say that. He has a wish to civilize the country, and the way in which he does so is this—he goes to the thatched cabins, and gets the people about him, some of the worst and most noted for their murders, robberies, and deeds of violence, and says to them—'Thou shalt do no murder;' that is the command of God; and for three Sundays together he has preached on that text, and has had great influence with the people, and very likely by his great influence he will induce them to lead better lives." Under this Bill the reply of the Commissioners should be—"If he is of sound mind and if he teaches religion, and especially if he alludes to the Word of God, it is quite impossible that we can give him a farthing." That is the objection—one of the objections—I have to this Preamble. Now, as to the objection that I have to the last clause, I should wish to say, although there should be nothing for the maintenance of the clergy, I do not see why some glebe houses and some glebe land might not be given to these persons, and why some chapels might not be built of brick or stone and given to them, with the view of promoting the civilization of the people. I look to this Bill with two conditions in my mind. I want to know whether it is best for the welfare of Ireland, and I want to know whether there is no unnecessary menace in the Bill with regard to the general principle of Established Churches. I am in favour of Established Churches. I quite concur with the Established Church of England and the Established Church of Scotland as settled by law; and therefore I do not want—while I agree in this measure as a necessity for Ireland—as a necessity to which you have been brought by neglect and long apathy on this subject—I do not want to give any unnecessary stimulus to those who are against all Establishments; and I must say that these words, "not for the benefit of any Church, clergy, or other ministry, nor for the teaching of religion," would give a stimulus to the Liberation Society to proceed with their work. The noble Lord opposite (Lord Harrowby) has pointed out that the clause with respect to Maynooth is an infringement of the principle of the Bill; and for myself I wish that it had nothing to do with the grant to Maynooth. That is quite a separate question. It is a question deeply connected with Trinity College, Dublin; and it would have been far better to have left Trinity College to teach Protestant theology, and Maynooth to teach Roman Catholic theology; and at all events it would have been better to have kept this subject for a separate Bill. The Bill raises the question whether you do not in the clause respecting Maynooth infringe upon the principle that no part of the funds should be applied to religious teaching. I am not prepared to say that the provision as to nurses will not to some extent infringe the provisions relating to religious teaching. Suppose a Protestant nurse were to go to the Archbishop of Dublin and say—"I have a patient dying in the hospital; I should be very glad if you would give me some book of religion—a copy of the Lord's Prayer—that I might read to my patient"—or suppose a Roman Catholic nurse were, in the same way, to go to Cardinal Cullen and ask him for a copy of some Roman Catholic work for a person who was dying—in both these cases there would be an infringement of the principle of the Bill. In the next place, I object to the proposed application of the surplus, because it is to be devoted to the relief of the county cess and to objects that are already provided for. In the next place, I would refer to what a Roman Catholic gentleman, for whom I have a great regard, said—that it would require a whole province in Ireland to go mad to absorb this amount of money. I do not think that it is in conformity with those two principles that I have mentioned; and I hope that in disestablishing and disendowing the Church of Ireland you will keep in view the benefit of the people of Ireland, and that you will see what it is they require. Among other things, there is nothing that they more require than the civilizing influence of the Christian religion; and I hope that, in the second place, you will not give any unnecessary stimulus to those who seek the destruction of all Establishments. These things might be kept in view with perfect adherence to the general principles of disestablishment and disendowment. I think that the Amendments should be in the direction that I have mentioned, and that in this way we might make this a much better Bill than it is as sent to us by the House of Commons.

Now, my Lords, I come to the third great question raised by the right rev. Prelate. I am sorry to intrude so long upon the attention of the House, but I cannot avoid touching upon a question of such great importance to the country. When the Government of Lord Derby and Mr. Disraeli carried the measure which they conceived would place the franchise on a right basis—which the right hon. Gentleman said was no longer the contracted franchise of the measure of 1832, but that it was a large extended franchise—I think that when they carried that measure they were bound to accept the conclusion at which that large constituent body should arrive. With regard to themselves and their own personal interests they promptly and nobly did so by retiring from Office when they saw that the decision of the country was against them. Lord Stanley, in speaking of the decision come to by the House of Commons in the months of March and April, said that in fact that decision was come to in the November previous. The country, no doubt, had then come to that conclusion; and they had likewise come to the conclusion—which, I think, was rather implied in Mr. Disraeli's speech—that Mr. Gladstone had the confidence of the country on such measures as he was inclined to introduce with regard to the Irish Church; but I believe it was much more; I believe the decision of the country went to this—that they wished to see Mr. Gladstone at the head of a Liberal Administration, preparing and proposing his own measures rather than that they were bent upon the abolition of the Irish Church. But the country having so chosen, and the House of Commons having decided by a majority of 114 to read the Bill a third time, I cannot but think that the deliberate verdict of the country and the deliberate verdict of the House of Commons ought seriously to be taken into your Lordships' consideration. Now, my Lords, with regard to that majority of 114, you will, perhaps, permit me to refer to what occurred in reference to the Reform Bill of 1832. That Bill having been carried in the House of Commons by a majority of 116—two more than the majority on the third reading of this Irish Church Bill—it came up to the House of Lords. There were at that time a great many Peers who had been introduced into this House—I do not say unfairly—by the Tory Government between 1784 and 1830. The noble and learned Lord opposite (Lord Cairns) mentioned the other night the number of Peers that have been created since the passing of the Reform Bill of 1832, and I have in my hand the number of Peers that were created between 1784 and 1831. I find there were seventy-four Barons, ten Viscounts, and fifty-three Dukes, Marquesses, and Earls —in all 137 persons on whom peerages had been conferred or who had been raised in the Peerage. On the 7th October, 1831, of the 199 who voted for the rejection of the Bill, 107 were Peers who were created or raised between 1784 and 1832. Lord Grey's Government decided, in the first place, that such Members of the Cabinet as had any influence with Members of this House should write to their Friends to induce them to support the second reading of the Bill. I am happy to say that, having myself written to three, two out of that number abstained from voting against the Bill. Before the Bill came on for discussion the Cabinet seriously considered their position, and they came to the conclusion —it having been first urged by Earl Grey, and more especially by Lord Brougham —that the King ought to be asked to give power to his Ministers—that is to say, to the First Lord of the Treasury—that if the Bill was again thrown out to create a sufficient number of Peers to ensure its passing on another occasion. The Bill, however, was carried by a majority of 9. But in Committee an Amendment was carried which Lord Grey and all his Colleagues considered fatal to the Bill. Upon that occasion Earl Grey and Lord Brougham went to Windsor and advised the King to create a sufficient number of Peers to counterbalance and overthrow the majority. The King refused that advice, and Lord Grey and his Colleagues resigned. The Duke of Wellington and Lord Lyndhurst were then intrusted with the task of forming a Government; but, after a short time, they gave up the task, and Lord Grey came back to power; but, as any one may see in the interesting volume, published by my noble Friend on the cross-Benches, he would not consent to resume Office unless he had a decisive pledge from the King to create a sufficient number of Peers, in case of any successful resistance to any important provision of the Bill. The crisis was very dangerous, and, no doubt, disagreeable; and I remember the father of the noble Earl who moved the Amendment to the second reading of this Bill coming down to the House of Lords, and saying that he felt that the Ministry had caused the House of Lords to be disgraced and degraded. Well, the Peers were not made, and the Bill was carried. To whom is it that we owe that the House of Lords has gone on since that time —though not always in complete conformity with the opinions of the House of Commons, yet with that general harmony which is necessary to the due working of the Constitution? We owe it to one great man, who, in 1810, I saw commanding the lines of Torres Vedras, and who afterwards directed with wonderful military skill the invasion of the greatest military Empire that has ever existed. His ability and knowledge in military affairs were extraordinary: he was not, however, so well instructed in civil affairs, and when, in 1830, he declared against Reform, and in 1832, he supported the Amendment to which I have referred, he made a very great mistake. He was a very great man. I always venerated him when living, and I shall always venerate his memory; but he made great errors when, in 1830 and 1832, he opposed the Reform Bill. The Duke of Wellington, however, after that period, declared that, although there might be a difference between the majority of this House and the House of Commons and the country — and, although he himself might be of the opinion of the majority, there should be no danger of a collision taking place. The Church Temporalities Act was afterwards carried in this House; and so also was the repeal of the Corn Laws. Did the Duke of Wellington approve of those measures? I do not think he did; but, although he did not think either of them desirable, he yielded to the popular demand. With reference to the repeal of the Navigation Laws, the noble Earl (the Earl of Derby), who last night opened the debate, predicted that the most terrible evils would result from it, and the second reading of the Bill for the repeal was carried only by a small majority, the Duke of Wellington being one of that majority. I ask your Lordships to take these things into consideration, because I am persuaded that if you have imbibed any portion of the wisdom and prudence of the Duke of Wellington, and act as he acted after 1832, this Constitution may be preserved. There will be no need, if you go into Committee on this Bill and amend it—there will be no danger, I should say—of a collision between the two Houses of Parliament. A right rev. Prelate has spoken of the little excitement that has prevailed upon this subject of the Irish Church; but, my Lords, if you were to agree with my noble Friend who has proposed the Amendment, and were to reject the Bill on its second reading—refusing thereby to listen to the country as well as to the House of Commons—the question would be not between the abolition or maintenance of the Irish Church, but it would be a question as to whether the Lords were right in thwarting the will of the nation. That would be a very serious question. A nation is like Sheridan's Sir Anthony Absolute—as long as it has its own way it is good tempered; when it carries the majority of the elections it is well pleased and good humoured—but let there come a time when its action is thwarted—no man can say to what extent that anger may go. By Amendments to this Bill you may be able to effect a settlement of this great question, which since the days of the Union has excited agitation and expectation on the part of the Catholics of Ireland. It may be true, as the noble Lord opposite (Lord Harrowby) says, that there is no chance of our Amendments being accepted by the House of Commons. But, of course, if you do not try there will be no opportunity of ascertaining what the Lower House will do. All I ask you to do is, not to throw away the opportunity you now possess of amending the Bill by rejecting it. It has been shown, in the course of the debate, by many noble Lords far more able than myself, that they, no more than I, approve of all the clauses and provisions of the Bill. For that very reason I ask you to go into consideration of the measure. It seems to me that this is now a time when there is a chance of reconciliation with the Irish people. I do not say that reconciliation is to be sought by yielding everything to their wishes—it would be very unwise to do so. The Irish people require to be governed with impartiality and kindness, but, at the same time, with firmness. For many years, I believe the Government of Ireland has been administered with an impartial, kind, and firm hand, and by no one more than by my noble Friend the late Lord Lieutenant (the Duke of Abercorn). But if you disappoint the people of Ireland in a question of this sort, I believe it will be impossible for any man, by any means or by any skill, to preserve tranquillity and order in that country. It is in view of the evils that I am sure would follow from the rejection of the Bill, and of the advantages that would arise from your Lordships taking it into consideration and amending it, that I entreat you not to listen to the Amendment of my noble Friend but to consent to the second reading of the Bill.

THE DUKE OF ABERCORN: My Lords, when I look at this Bill and the momentous changes it purposes to effect—the severance of the Church from the State, and the secularization of the property of the Irish Establishment—it seems impossible not to foresee that it is but the forerunner and prelude of similar changes in the same institutions of this country. I will not, my Lords, follow my noble Friend into a discussion as to whether it is a matter of good policy or not for your Lordships to record on this measure a vote not altogether in accordance with what are known to be your convictions—whether such a course would heighten the position you hold in the estimation of the men of the highest thought in the country, or would in any way add to the influence you now possess. I venture to believe that on a question of such great and vital importance your Lordships will best consult your own dignity, will best secure the high position you occupy in the eyes of the country, by determining the question on its own merits alone, apart from any influence that discussions "elsewhere" may be supposed to exercise, and apart also from any temporary pressure which a transient excitement of the public mind may desire to exert. The questions, then, for our consideration, my Lords, are—as stated by my noble Friend—first, whether, as a matter of policy, the subversion of the Irish Church is necessary or desirable; and secondly, what measure of justice and equity ought to be observed towards those whose dearest interests are affected by the operation of the Bill; and the third and a most important point—how far the objects proposed by the Bill and the *modus operandi* are likely to carry out the purpose of its promoters. Now, my Lords, when we consider that the disestablishment and disendowment of the Irish Church is a measure of such great and unprecedented importance, it is a strange anomaly that the pressure to which it owes its existence came from within, and not from without. At the time when the destruction of the Irish Church was first announced, some fifteen months ago, as the beacon to guide the Liberal party, no great excitement existed out-of-doors, no public meetings had been held; there were no indications that any imperative conviction on this subject was weighing on the public mind. The necessity for this measure originated solely in the necessity of one man—the present head of the Government—whose wish was father to the thought, and who was actuated, I fear, rather by the desire to offer a startling problem to be solved by his followers than by any deliberate view of the interests of his country, or any advantages to be wrought in the social condition of Ireland. This measure, as I need hardly remind your Lordships, proposes to effect the most startling and extensive changes in the most vital parts of the Constitution—changes not only dangerous in the extreme, but novelties among all our political experiences. We have not hitherto been accustomed to see questions of such great importance, involving changes in long-established constitutional principles, settled until after years of anxious consideration, until the cry of those who found themselves aggrieved had been heard, or until the deliberate opinion of the nation—not its mere hustings' declaration—had been fully ascertained and declared. It was in this way, my Lords, that the Bill for the Emancipation of the Roman Catholics was originated. It was not introduced into Parliament on the impulse and inspiration of one man, but after years of careful and serious consideration, and when the desire of the nation to confer that boon upon the Roman Catholics had been fully and deliberately declared. But in the present case we look in vain for any indications of that set national purpose, or of that unmistakeable national exigency which alone could justify propositions so subversive of all existing institutions. The necessity for this measure, my Lords, arose—not in Ireland—not in any general sense of grievance on the part of the Irish people—but in the personal impulse of one man—I mean the present Prime Minister. Now, there is no one who has a greater admiration for the varied and transcendent talents of that eminent person than I have; but, while I gladly and respectfully acknowledge them, I am bound to say that, as one to guide us into new and revolutionary paths, tending to the overthrow of the whole social institutions of Ireland, he will be found in the future—as he has been found already—a dangerous and disastrous leader. This, then, my Lords, is the history of the Bill. It has been brought forward in the absence of any pressure from without, and has been forced on by no necessity, unless it be the necessity of keeping together a Parliamentary majority. Now, my Lords, we have heard much from various noble Lords of the injustice and injury which the Irish Church has inflicted on the Irish people; but I have always observed that those noble Lords who have made those accusations have always confined themselves to vague dissertations, and have carefully abstained from entering into the details of what that injustice consists; and I must confess they have shown judgment in so doing, for every impartial inquiry into those alleged injuries and injustices not only reduces them *ad infinitum*, but also exhibits in its true light the very small sense of injustice of which the Irish people are themselves conscious. I have some acquaintance with the people of Ireland, and I say distinctly—speaking of them as a whole, and not referring to those who represent them in Parliament and who are subordinated to the influence of the Roman Catholic priesthood — but taking the Roman Catholic laity as a whole, I assert that they view the destruction of the Protestant Church with indifference—as a matter of no advantage to them. The wish of the Roman Catholic laity is not the suppression of a Church that costs them nothing, and by the subversion of which they can gain nothing, but it is to be relieved from the burdens—the almost intolerable burdens—which the power of their own Church imposes on them. Now, I quite agree with my noble Friend who moved the Amendment (the Earl of Harrowby) when he said to the Government—"If your sense of the justice of the Irish Church is so very acute, you are bound, by all the laws of consistency, to give back to the Roman Catholics that which you say was unjustly taken from them. But you do not do that. Your sense of justice is not so strong as your sense of the advantage of keeping together the majority you obtained by means of the Liberation Society and the Nonconformists. What is your plan? To recoup the injustice which you profess to have been done to the former possessors of this property, you commit a second injustice by taking it away from its present owners, and, instead of giving it to either of them you give it to yourselves." My Lords, it reminds me of the lawyer in the fable, who divided the shells between the disputants and ate the oyster himself. Now, though I say that the Roman Catholic laity view with indifference the abolition of the Irish Church, I do not pretend that the Roman Catholic clergy share that feeling. There is a wide difference between them. I venture to observe that to originate legislation on a matter of such moment for the satisfaction and gratification, not of the general population, but of the Roman Catholic clergymen, however much they may be deserving of respect and consideration — and I fully admit their claims — is a somewhat novel way of administering the government of the British Empire. My Lords, I believe that looking at the ordinary evidence of public feeling, it is impossible to deny the indifference of the great bulk of the Roman Catholic laity to this measure, or to fail to remark the absence of any great array of Petitions or public meetings on its behalf. My Lords, I count the result of the Irish elections as no real index of the public feeling in Ireland, as those elections were conducted under the most violent intimidation on the part of the Roman Catholic priesthood—in numerous instances bringing about results actually contrary to the desires of the electors themselves. But, my Lords, on the other hand, we have the most unmistakable evidence of the unpopularity of this measure with the whole Protestant population of Ireland, as well amongst Presbyterians and Dissenters as members of the Church of England. We have this evidence both from the fact of the public meetings which have taken place regarding it, the immense number of the Petitions sent up against the Bill, and from the very determined antagonism which has been shown by those who may fairly be said to represent 1,500,000 of their-fellow couutrymen. We have been told a great deal about the verdict of the nation, and I think that the right rev. Prelate, who spoke with so much ability on Tuesday evening, made a forcible and accurate remark when he said the country has not delivered its verdict, but has simply empannelled the jury. My Lords, whatever the verdict of that jury may be, it is subject, like all other verdicts, to higher appeal and to the ultimate judgment of the country. Has that judgment been given? I believe it has not. I have ascertained the number of Petitions that have been presented to your Lordships during the last week, for and against the Bill. The number of Petitions against the Bill amounts to 4,000, many of these emanating from public meetings of 10,000, 20,000, 50,000, 80,000, and in one case 200,000 persons; whilst the Petitions in favour of this measure, which the noble Lords opposite would have us believe is so irrevocably rooted in the national sympathies, and so unchangeably fixed in the national will, amount — your Lordships must be prepared for an alarming figure —to exactly 224. My Lords, with the facts I have stated, staring us in the face in Ireland, with the knowledge that those constituencies in Great Britain, as my noble Friend admitted, although they had no doubt had strong feelings of favour towards what is called in somewhat strange terms, so far as this Bill is concerned, a Liberal Government, yet showed no special interest in the destruction of the Irish Church. Looking at these facts, I venture to say that no arguments founded upon injuries done three centuries ago, or upon injuries supposed to be inflicted by the Irish Church in the present day, can convince us that this is a measure imperatively called for by the maintenance of the Empire, or for the pacification of the people of Ireland; but rather, we must be convinced, that if it be a necessity at all, it is a necessity suddenly evoked and paraded simply to enable one set of Gentlemen rather than another to sit upon a special Bench in "another place."

My Lords, I have ventured as briefly as possible to show that no great national eixgencies, no necessity of farseeing statesmanship, require or justify the passing of such a measure as this. I will now briefly inquire how far the measure deals according to the ordinary rules of justice and equity with the property of which it so summarily disposes. And I must say that I think it strange that those noble Lords who are so sensitive to the mythical injustice of three centuries ago should so contrive to blind themselves to the much greater injustice proposed to be done at the present day. I shall not weary your Lordships by entering into many details of this Bill, but shall simply allude to one or two of those of which the injustice is the most obvious. There is the clause relating to the tithe rent-charge, for instance, which it is proposed shall be taken from the Irish Church. It is impossible to suppose that any considerable portion—if indeed any portion at all—of the tithe rent-charge now enjoyed by Protestants was ever vested in the Roman Catholic Church. That Church was in a very distracted state, divided against itself, and the amount of tithe that it might have received it is impossible to ascertain. But there is one fact to be distinctly understood, and that is, that whatever may be the proportion of those tithes which have been vested in the Roman Catholic Church, from the state of the country at that time—which was almost entirely that of waste land, morasses, and forests—the value of those tithes must have been infinitesimally small; and if, at the present day, as has been stated, the tithe rent-charge amounts to £400,000 a year, that value accrues not from any value they had originally when they were in the hands of the Roman Catholic Church, but from three centuries of good management and improved value of the agricultural produce of Ireland, in the hands of the Protestants of the country, who pay nearly the whole of that charge, and as a result of those Protestant institutions which by their establishment in Ireland have added so largely to the wealth and civilization of the country. I will pass by the glebe lands and the glebe houses, as they have been already alluded to; but I would say one word in passing with regard to the Ulster glebes, which being granted by James and Charles I.—by Protestant kings to Protestant landlords—by some mysterious and inexplicable choice of the date of 1660 it is proposed to deprive the Protestant Church of. There is another question I approach with some difficulty; for however anxious I may be that no injustice should be done to the Protestant Church, I am not less anxious that the Roman Catholic Church should not be unjustly treated. I allude to the compensation which it is proposed to give to Maynooth; and I think it is impossible not to see that the grossest partiality and favour have been shown towards Maynooth, as compared with the treatment accorded to the Established Church. If Maynooth is to be deprived of its grant I have no objection to fair compensation being given; but I should like to know by what possible perversion of justice it can be provided that a capitalized value of fourteen years upon its life interests should be granted to Maynooth, while the life interests of the Protestant clergy are treated as being of so much less value. The injustice becomes still more apparent when it is remembered that the endowment of Maynooth is simply an annual Parliamentary grant, granted within the last fifty years, and it is quite clear that what Parliament has granted Parliament may take away; whereas the property of the Irish Church is real property not granted by Parliament, and totally independent of any Parliamentary grants. Surely if any favour be shown in the matter, the favour ought to be on the side of real property. Moreover, this large compensation to Maynooth for the Parliamentary grant about to be withdrawn is not to be given out of the Consolidated Fund, from which it has hitherto been paid, but from property of which the Protestant Church is to be forcibly despoiled.

My Lords, I will now turn to the part of the subject in which we may inquire how far the objects proposed by this measure — namely, increased religious equality, harmony amongst the people of Ireland, and the maintenance of religion—are likely to be realized. We are told that this is a measure by which justice is to be done and religious equality to be enforced. I, for one, have no objection to real religious equality; but let us see what is to be the equality about to be established, and let us see what this Protestant ascendancy is, that is to be destroyed. Now, my Lords, apart from the titles and revenues possessed by the Irish Church by prescription and the rights of property, can anyone doubt —will anyone deny — that the real ascendancy of influence, of power, of political agitation, is on the side of the Roman Catholic Church? Will anyone deny in three out of the four Provinces of Ireland, every Member of Parliament is nominated, and every political movement is directed, by the Roman Catholic clergy? We have never heard of Bishops of the Protestant Church issuing such election missives as the Bishops of the Roman Catholic Church do not scruple to issue against candidates; and no one, I am sure, expects from the Protestant rector more than his own individual vote. Then, I ask you, what is this Protestant ascendancy which is so much complained of, when the whole power of influence in political movements are in the hands, not of the Protestant but of the Roman Catholic clergy, so far as regards three-fourths of the population of Ireland? But you may say—"We acknowledge this moral ascendancy of the Roman Catholic Church; but it is mainly due to the unfair privileges conferred upon the Protestants." Well, let us assume that for a moment. By abolishing those privileges and the endowments of the Protestant Church, you propose to reduce its material ascendancy to an equality with that of the other Church. But is there any intelligent Member of the Liberal party, from my noble Friend the Secretary for the Colonies, up to the President of the Board of Trade, who really imagines that the disestablishment of the Protestant Church will, in the slightest degree, affect the ascendancy of the Roman Catholic Church—its power, influence, and means of intimidation? Will it not rather be that when the wholesome barriers hitherto existing are removed, that the ascendancy of the Roman Catholic Church will be greatly increased? You propose to deprive the Bishops and dignitaries of the Established Church of their endowments and titles, and you do that under the name of justice and equality. Let us see how this equality will work. You will have on the Roman Catholic side a Church distinct and self-contained; its Prelates appointed by and acknowledging only a foreign Power; their authority not, perhaps, officially acknowledged, but exerting a more than official influence over a subservient Government—as long as this remains constituted as at present. The Roman Catholic priests will retain their titles, and you will find these titles paraded with exultation over the whole country by the Roman Catholic population and press of Ireland, who will point triumphantly to theirs as the only true and united Church. On the other hand, whilst the Roman Catholic Church will be left complete and secure in its organization, the disestablished Church of England and Ireland will be left without cohesion, without a head, and without a status, to contend as best it can against its powerful and unscrupulous foe. This is the religious equality about which we have heard so much of late. My Lords, I have no hesitation in declaring that if it had been known previous to the election that this was the condition to which Government proposed to bring the Irish Church, your Lordships would, in all probability, have been saved the trouble of having to discuss this measure. The noble Earl the Secretary for Foreign Affairs made some allusion the other night to the Free Church of Scotland, and pointed to its success as one of the strongest proofs that could be adduced in favour of the voluntary system. He inferred that no fear need be entertained for the Irish Church on account of the position to which she will be reduced by this Bill; but, judging from what had occurred in Scotland, he stated his conviction that the usefulness, prosperity, and permanence of the Irish Establishment would be promoted rather than retarded by the measure. He and others who agree with him, however, forget one very material element of the case—an element which, in fact, altogether alters the whole complexion of the matter. He forgets that the voluntary Church in Scotland started upon a totally different basis to that from which the Church in Ireland can possibly start, when, as is proposed by this Bill, she is suddenly launched upon her own resources, after being deprived of her property by compulsory confiscations. The Free Church of Scotland started on its career not by compulsory confiscation but by voluntary secession. Moreover, the voluntary Church in Scotland had not a hostile population to contend with, swayed by a priesthood bound and knit together by one of the most complete systems of organization which the world has ever seen. Moreover, the Scotch Dissenters had a great advantage, inasmuch as the population of that country is to a much greater and more general extent wealthier than the population of Ireland; and opposed to it was a population differing but little from itself in religious doctrine and practice. I think, therefore, that it is unfair and certainly not just to draw an analogy between the position of the voluntary Church in Scotland, which is placed in the midst of a contented and wealthy population, and that in which the Irish Church will be placed by this Bill, contending, as it will have to do, with external difficulties in the shape of a hostile population and an organization of priests, and with internal difficulties in the shape of want of adequate support for its own maintenance. Very little consideration is needed to show that the Irish Church can never hope to achieve great ends as a voluntary institution. In Ulster, it is true, the Presbyterians form a very numerous and influential body. No less than upwards of 700,000 of the people of that Province belong to the Presbyterian Church; but when we go beyond Ulster we find that the whole number belonging to that denomination over all the other parts of Ireland is only some 18,000, who reside for the most part in a few of the larger towns, where only there are congregations able to maintain their ministers. So much for our past experience of the spread of Protestant voluntaryism in Ireland. But there are not wanting those who point to the Roman Catholic Church as a proof of the success of voluntaryism. Now, is the support which that Church derives from its adherents really voluntary? Is it not rather, as has well been stated, a compulsory exaction of payments, falsely called voluntary—and that, too, by an exercise of the strongest pressure of spiritual and moral coercion—a coercion which is felt to be an intolerable grievance by those very people who are compelled to submit to it—a system, moreover, that is totally antagonistic to that free and liberal spirit which is the soul of Protestantism? I maintain that by no possible way can you hope to maintain the Protestant Church of Ireland as a voluntary Church outside the Province of Ulster. The tendency of this Bill will be to decrease rather than increase the strength of Protestantism. I foresee — and I foresee it with regret—that the taking away of the stipends of the Protestant clergymen will have the effect of breaking up a great many of the poorer congregations in Ulster—a result which must be greatly deplored by those who know the excellent qualities of the population of that Province. We have been told by the head of the Government in "another place" that it is an insult to the Protestants of Ireland to suppose that they cannot or will not support their own Church. My Lords, let us examine this question dispassionately, and endeavour to see whether this is really the case. It is quite true that nearly all the landed property of Ireland belongs to Protestant owners; but it is equally true that the population on that land is not Protestant; and I would observe that it is to the population on the land, and not to the solitary landlord, that you must look for support to the Church. Take the case of an average landlord with £3,000 or £4,000 a year. His property, perhaps, is scattered over different parishes, and even counties. It is quite possible that this landlord will provide for the due maintenance of the Church in the parish in which he resides; but is it reasonable to suppose that he will contribute towards its support in parishes removed, perhaps, forty or fifty miles distance from where he lives, and provide for clergymen whom he never sees or hears? That, I think, is very unlikely. Very many of the parishes of Ireland, as far as the population is concerned, consist of only a few scattered Protestant farmers and tradesmen, who cannot support their Church, and whose landlord may be resident miles away. That being the case, it is easy to see that by the passing of this Bill Protestantism will virtually be extinguished in many parts of Ireland. I do not doubt that in Ulster, in large towns, and in parishes where a great landlord resides, something like a resemblance to the Established Church form of worship may be kept up. But in the parishes to which I have adverted, and which are by far the larger portion of the whole number, this will not even be the case. You cannot look for help from the absentee landlords; and the consequence will, I repeat, be that this Bill will practically extinguish Protestantism in many parts of Ireland. The injustice and impolicy of this measure are so glaring, and the injuries it will inflict upon Protestantism are so palpable, that I think your Lordships ought to have little hesitation in rejecting it. And, great as have been the evils to which I have adverted that are likely to ensue, the points I have mentioned are few in comparison with what might be cited in order to induce you to reject the Bill.

But that I desire not to weary your Lordships, I might have spoken of the inevitable result which must follow the passing of this Bill to the Established Church in England, should the exigencies of the Liberal party require the same disregard of justice, the same disregard of the most solemn pledges which have been found necessary in this case; I might solemnly warn those right rev. Prelates, who are prepared to abandon a sister Church upon the first assault, that the step which they are about to take must inevitably recoil upon themselves. If the principle of this Bill be affirmed it must lead in time to an attack upon the Church of England itself. Leaving this, however, and referring next to that cry of "Justice to Ireland," of which we hear so much, I may, perhaps, be permitted to ask what is the necessity for this Bill; and what are the objects which it proposes? Do you imagine that it will bring harmony and peace to the conflicting elements of Irish society? Do you suppose that the substitution of a voluntary Church for an Established Church will allay the animosities which exist between the Roman Catholic and the Protestant populations? Has any noble Lord who has spoken so small a knowledge of Ireland as to suppose that those conflicts which unfortunately take place between the adherents of rival creeds are confined to the Protestants of the Established Church, and that the members of the Presbyterian and voluntary communities take no part in them? Has not the experience of the last five months shown us that the prospect of this Bill, so far from allaying discontent, has intensified and made more bitter the hostility of the two conflicting sections of the population? I need scarcely ask whether our recent experience proves that the prospect of attaining to that religious equality, about which so great a parade has been made, has met with such success in Ireland as to warrant us in proceeding further with this measure? Moreover, will you by this Bill, so full of injustice and so fatal to Protestantism, conciliate the Roman Catholic population, which by some strange perversion you seem to recognize as being alone the people of Ireland? I say—and let there be no delusion on this point—that you will not. The Irish Catholic priesthood regard this boon, so dearly bought, with indifference. They accept this Bill because you are willing to give it to them; but they only regard it as an instalment, and a trifling instalment, of what is nearer and dearer to their hearts—namely, the possession of the land, the uprooting of the Protestant possessors of the soil, and the subjugation of all the education of Ireland to Ultramontane rule. In their eyes even the Church question is wholly subordinate in importance to the question of education. On all these grounds I maintain that the Bill is wrong and unjust. What I have pointed out will result from this attempt on the part of the Government to conciliate the Roman Catholics by the sacrifice of the Protestant Church. And whilst you are striving to conciliate the Catholics, you are doing far otherwise with those whom hitherto you have been accustomed to look upon as the strongest and staunchest supporters of your rule, whose loyalty and good-will have lent security to the Crown and integrity to the Empire—namely, the Protestants of the country. I do not speak of those only connected with the Established Church, but of the whole 1,500,000 Protestants, Presbyterians, and Dissenters, as well as members of the Established Church, comprising one-fourth of the whole population of Ireland; and of that one-fourth, I may say, without any disparagement to the rest, that they are not among the least intelligent, wealthy, or energetic portion of the population. We have the most undoubted evidence that the whole Protestant population of Ireland—though in some parts, I admit, they have only declared themselves at the eleventh hour—view this measure with the strongest feelings of regret and abhorrence. They regard it as a breach of compact, as an abandonment of principle, as a violation of the Union. From information that has reached me from all parts of Ireland there is the strongest reason for fear that, if this measure should become law, we shall see the whole body of the Protestant population, who have hitherto been the strongest supporters of Imperial rule, become the strongest supporters of separation and a separate Parliament. On the behalf of the Protestant population of Ireland, I would urge that the strong expressions of their feelings to which they have lately given utterance are well worthy of your Lordships' attention. If you give so much to the Roman Catholics, who regard your gifts with indifference, you are at least equally bound to respect and listen to the feelings of the Protestant population, who view this measure, not with indifference, but with the strongest feelings of alarm and aversion —a measure which fails to conciliate those whose ill-will you desire to avert, while it alienates those who have hitherto been your strongest and firmest allies. In the name of the Protestants of Ireland I ask your Lordships, as the highest Court of Appeal in this country—as the highest judicial protector of the liberties and the property of the subject —I ask you to agree to the Amendment of my noble Friend, that the Bill be read a second time this day three months, and thus reject a measure that is full of injustice to Ireland, and which is fraught with danger to the liberty, the religion, and the peace of the United Kingdom.

THE DUKE OF ARGYLL: My Lords, there are, I believe, a certain number of Members of this House—perhaps there may be a considerable number—whose objections to this measure are so deep that no consideration on earth will induce them to vote for the second reading. My noble Friend the Chairman of Committees (Lord Redesdale) is of that number, and undoubtedly there are many others; but I believe that the vast majority of the House of Lords—if they were convinced that this measure, in its main principle and outlines, had been finally adopted by the great majority of the people of this country—not by any accidental vote of the House of Commons, but approved by the majority of the people of the country at the last election, and finally supported by their deliberate opinion — I believe that in such a case the majority of this House would make no difficulty whatever in at least giving the Bill a second reading. And therefore I have observed that during the course of this debate various attempts have been made to impress upon your Lordships' belief this proposition — that while disestablishment indeed was plainly brought before the people at the last election, and was finally adopted by the opinion of the country, disendowment—the other great branch of the question — was not so brought before the people, and has not been adopted by the great majority of the country. I can attribute to no other cause than this that there has been, I must say, an unexpected importance attached by two of the most eminent leaders in the debate to a few sentences which fell from me in a speech I had the honour to deliver in this House on the second reading of the Suspensory Bill last year. Those sentences have been twice quoted—once by my noble Friend the noble Marquess who spoke last night (the Marquess of Salisbury), and also on a previous evening by the right rev. Prelate whose speech has been so much and so justly praised for eloquence and power. I wish to enter into no controversy with my noble Friend the noble Marquess opposite. I listened to his speech with the sincere admiration with which I believe it was listened to by every Member of your Lordships' House. It seemed to me to be a speech giving the most sagacious advice and animated by the largest and purest spirit of patriotism. In nine-tenths of that speech I heartily agree; and, I repeat, I will not enter into any controversy with my noble Friend as to the comparatively small portion of that speech in which I dissent from him. But when my noble Friend quoted the sentences that fell from me on the previous occasion he referred principally to one point, as to which I think he will probably agree with me that it is a point which might be better discussed in Committee. I will at once candidly confess to my noble Friend that he has pointed out a discrepancy between a part of the sketch I then alluded to and the Bill now before your Lordships. But when I turn to the other case and ascertain the purpose which the right rev. Prelate had in view, I must beg to assure the House that the inference drawn from those sentences is entirely erroneous—I mean this inference, my Lords, that I said anything then, or intended to convey to your Lordships' House any impression, that the question of disendowment could be separated from the question of disestablishment, and that it was not then fully and fairly before the country. The noble Marquess has referred to the terms of the Resolutions passed by the late House of Commons. I beg my noble Friend to remember the words, and he will see that though the word "disendowment" is not in the Resolutions, the whole wording and conception of the Resolutions implied that disendowment was an essential part of disestablishment. The Resolution was in these words—

> "That, in the opinion of this House, it is necessary that the Established Church of Ireland should cease to exist as an Establishment, due regard being had to all personal interests and to all individual rights of property."—[3 *Hansard*, cxci. 1338.]

I need hardly point out that these words distinctly imply that disendowment—that is to say a substantial severance from the benefices at the disposal of the State—was considered an essential part of disestablishment. If there is any doubt on this question, that disendowment as well as disestablishment was before the country when the last appeal was made to it, let me cite another authority which will be acknowledged to have great weight. I refer to the counter proposition made in the other House of Parliament by Lord Stanley on the part of the whole Conservative party. What were the words of his counter proposition?—

> "That this House, while admitting that considerable modifications in the temporalities of the United Church in Ireland may, after the pending inquiry, appear to be expedient, is of opinion that any proposition tending to the disestablishment or the disendowment of that Church ought to be reserved for the decision of a new Parliament."—[3 *Hansard*, cxci. 507.]

That was the proposition contended for by the Conservative party. Disestablishment and disendowment were both before the country—not, of course, all the details of disestablishment and disendowment—but disendowment, in as far as disendowment is an essential part of disestablishment, was before the country, and is as much to be accepted as the result of the last General Election as disestablishment. Yes, my Lords, the verdict of the country was given in unmistakable terms in favour of disestablishment, and in the main and substantially in favour of the disendowment also of the Established Church in Ireland. Now, my Lords, during the course of this debate, very strong language has been used, both by my noble Friend who moved the rejection of this Bill, and by other noble Lords who succeeded him, as to the character of this Bill and as to the conduct of the Government; but I confess my own feeling is that we have no right or title to complain in any way of the manner in which this great debate has been conducted. My Lords, we are bound to remember—and I trust we do remember—that, in the discharge of what we believe to be a public duty to the Sovereign and the people, it has been our lot to propose to Parliament a measure which is opposed to the dearest associations and to the most cherished convictions of a large portion of the House. My Lords, I think also we are bound to remember not only the greatness of the change which we propose, but, I admit, its apparent suddenness. This point was much pressed by my noble Friend who moved the rejection of the Bill. I say its "apparent suddenness," because to those who have been watching the causes which operate on the public opinion of the country, and ultimately determine the course of Parliament, the wonder is not that this measure has come so suddenly, but rather that it has been so long delayed. But I admit to my noble Friend that to those who have been walking in the by-paths, so to speak, of public life, and have not been watching the causes which determine the course of public feeling, this change must appear to have been brought about very suddenly. And with regard to the greatness of the change, I agree with the noble Earl who spoke first last night (the Earl of Derby), that no measure which has been brought into this House in the present century may compare with this in the importance of the issues which it involves and the interests it affects. Not the repeal of the Test and Corporation Acts—not the great measure of Catholic Emancipation, although, by-the-bye, this measure was in the womb of that one—not the repeal of the Corn Laws, not the Reform of Parliament—not any one of those questions involved issues so important, or cut so deeply into matters affecting such cherished associations and opinions of great portions of the people, as this measure for the disestablishment and disendowment of the Irish Church. My Lords, I admit also to my noble Friend who moved the rejection of this measure, that so short a time as three years ago it is extremely probable it could not have been proposed by any public man, with any prospect of success. I think it is perfectly natural, therefore, that one in the position of my noble Friend, finding this great, rapid stream of public opinion dashing past him, and sweeping away institutions which he had been accustomed to consider as most sacred and most secure, should open his eyes with infinite surprise and ask, as my noble Friend did ask in his opening speech—"How has all this come about, and how has this measure so suddenly been brought forward?" The more you examine this question the more clearly you will see how absolutely final and irrevocable is the verdict given on this subject by all the great political parties in this country. I beg to direct your Lordships' attention to some circumstances which appear to me to refute the arguments used by the noble Duke who preceded me (the Duke of Abercorn), and who attributed great effects to causes comparatively small, stating that the Bill originated in the individual will of my right hon. Friend at the head of the Government.

The Duke of ABERCORN: I said that it originated with him.

The Duke of ARGYLL: That is to attribute effects to the will of my right hon. Friend, which neither his nor any other individual's will was competent to produce. We have also been told to-night that the present House of Commons was elected merely to bring Mr. Gladstone into power, and that it was under the influence of his genius and of admiration for his character that the elections were held. Now what I wish to point out is that Mr. Gladstone's influence was, at least, not predominant in the late Parliament, in which this proposition was first brought forward. I desire to direct your Lordships' attention to the circumstances under which this measure was proposed. The House of Commons became, after the death of Lord Palmerston, thoroughly disorganized and demoralized. We are at liberty to speak of the late House of Commons with as much freedom as of a Parliament in the time of Charles II., and I say that it was a Parliament which had no faith in any principle, no enthusiasm in any cause, and no fidelity to any leader. It was under these circumstances—the vessel of the State with no way upon her, that suddenly a cry arose, that this Irish question, which had been so long asleep, was again alive. It was then said that something must be done for Ireland—the old Irish difficulty was again before our public men, and it became clear that Parliament must make up its mind as to what should be done for the benefit of the Irish people. What was the answer to that cry? I am not going to qnote the words of Lord Mayo or of any man, for I may say that the answer was in the air—it was in the very atmosphere of our political life. There were two alternatives in reference to the Irish Church — indiscriminate endowment, and disestablishment with disendowment. The policy suggested by the late Government—faintly and feebly, but at the same time distinctly—was that of indiscriminate endowment; and then the answer given to that proposition by my right hon. Friend the Prime Minister was that, rather than indiscriminate endowment, he would have disestablishment and disendowment. What was the effect of that announcement? The immediate effect was that out of absolute chaos there came order, and an assembly which had been thoroughly disorganized became well-drilled and fitted for effective political action. It was like the action of a powerful magnet passed over a mass of what seems mere dust and rubbish, but which nevertheless contains elements capable of attraction. The raising of that standard of disestablishment at once collected under it all the elements of Liberal opinion in the House of Commons. Then I ask the noble Duke, who attributes to small causes these grave effects, what is the explanation of that phenomenon? Was it the personal influence of Mr. Gladstone in the late House of Commons? No. It was the powerful action of causes which lie deeply seated in the history of the country. The noble Earl who spoke last night, and who is not now present (the Earl of Derby), said that this measure was carried by a concurrence of political parties. Now, I ask, was there ever any great measure which was not carried by the concurrence of great political parties? In a constitutional Government like that which exists in this country, the concurrence of political parties means the force of different currents of public opinion, meeting and joining together—it means the inevitable conclusion to which things are tending in a constitutional country. And now, farther, what I wish to point out is that this concurrence of parties is not casual or accidental. It is one which is undoubtedly permanent, and cannot be overcome by any resistance on the part of noble Lords opposite. Who were the great parties who rallied round the standard of disestablishment and disendowment? In the first place, I will name not the strongest, but one which has a powerful action in Parliament—the Roman Catholic element in the House of Commons. In naming this I name that which represents the national feeling of the great majority of the Irish people. Through all the stages of this measure the representatives of the Irish people supported it by large majorities; and I apprehend that no Irish Member, whether Roman Catholic or not, who sits for a Roman Catholic constituency could face his constituents in future with any hope of success unless he had voted for the disestablishment and disendowment of the Irish Church. But what a light does that throw upon the doctrines we have heard announced in this House from the right rev. Prelates and from other Members with regard to the duty of what is called the State to maintain particular religious doctrines. I wish that, whether in debate or in writing, men would more frequently take the trouble of defining the words which they use. We have heard much of the duty of the State, or the ruling power, to maintain religious truth and to support an Established Church. But what is the ruling power in a free country? I will not say that it is the House of Commons; but I will say that under a representative Constitution, and more especially a representative Constitution based upon household suffrage, the House of Commons is a very large part of the ruling power. Now what are you to do with this abstract doctrine of the duty of the State, when we have a large majority of the representatives of Ireland telling you in the House of Commons that they will no longer support the Established Church in their country? I say that is a party in favour of this measure whose vote is a permanent vote, which you have no chance of reversing; and that in the very nature of things this determination on the part of those Members is one which expresses the feeling of the great majority of the Irish people. Then you have the No Popery party in the House of Commons. You have a No Popery party both in England and in Scotland. I will not now enter into the reasons which have actuated the No Popery party as it is called. We know that there exists a strong feeling in this country with regard to the endowment of the Roman Catholic clergy. My noble Friend who opened the debate this evening (Earl Russell) expressed his continued adherence to the principle of concurrent endowment; but although he believes that would be in itself the best mode of settling this question, he tells us that he is convinced the people of England and the people of Scotland would not tolerate such a measure. We have then the Protestant feeling of England and of Scotland, which is national, and the Roman Catholic feeling of Ireland, which is also national, against concurrent endowment. There is also another party which has been often alluded to by the noble Earl opposite, and the very mention of which always raises excited cheers in your Lordship's House—namely, the Dissenting party, which is strongly opposed to all religious endowments. My own belief is that the strength of that party has been very much over-rated throughout the present debate. I do not think that the English people generally are very much disposed to hold abstract doctrines with regard to endowments. I believe the Liberation Society is not a strong power in this country, but, working through the various Dissenting bodies, it undoubtedly possesses a certain amount of strength. You have thus the Roman Catholic party—you have the anti-Catholic party, you have the feeling of the Dissenters, you have the growing opinion of the great Liberal body, all agreeing that the maintenance of the Established Church in Ireland is unjust to the people of that country. I believe it is perfectly true, as has been stated by the noble Earl on the cross-Benches (Earl Grey), that for the last twenty years the influence of the daily Press and the influence of literary men in every form has been tending gradually but surely to change the public feeling with regard to the justice or injustice of the Established Church in Ireland. What, then, have you to oppose to all these great forces, that gives you any chance or hope of success in resisting the conclusion which the Government have come to? Have you yourselves any policy whatever? During the whole course of this debate I have listened in vain for the announcement of any policy from the noble Lords who have opposed the second reading of this Bill. Not one word have they said as to a counter-policy. Now, what are you going do? Are you going to face the people of Ireland and tell them you will do nothing with regard to this great Irish question, which one of your own party leaders, Lord Stanley, said was the great question of the day? Are you going to face the people of England and Scotland and adopt the principle of indiscriminate endowment? Is that your plan? Independent Peers have made suggestions, but I have observed that a cautious silence has been maintained by noble Lords on the front Bench opposite; and from right rev. Prelates we have heard nothing to warrant us in believing that they would give 1*s.* towards indiscriminate endowment in Ireland. All their arguments with regard to "spoliation," "robbery," "sacrilege," and the other hard words they used — perhaps naturally enough — all those epithets apply equally to the taking away from the Church of 1*s.* of its endowments for any other purpose whatever. There was, indeed, one suggestion made by the noble Lord the Chairman of Committees that we should have Roman Catholic Bishops in this House. He said he would not level up as regards money, but he would as regards honours, and he would bring the Roman Catholic Bishops into this House. That is the one suggestion of a counter-policy which I have heard during this debate. I ask your Lordships, what chance there is of success if this policy be adopted? Do you think you will carry the next General Election by the cry—"Introduce Roman Catholic Bishops into the House of Lords? Do you think that cry would help you any more in the House of Commons than the policy of indiscriminate endowments, which scattered your party to the winds, and rallied the whole Liberal force around Mr. Gladstone? It is not possible. Well, then, will you say—"Leave things as they are; we have no policy whatever except the obstinate policy of defending things as they are?" I venture to say that even during the progress of this debate some of the most distinguished speakers have furnished ample evidence that the existence of the Established Church in Ireland is not only a great wrong and a great injustice, but is exercising a most malevolent influence upon the relations of the different parties in that country. I was very sorry to read in the speech of the right rev. Prelate (the Bishop of Peterborough)—which all praise for its brilliancy and eloquence — a passage which seems to me to illustrate the evil of what has been called Protestant ascendancy almost as much as anything which has been said or quoted in the course of this discussion. The right rev. Prelate, as I read in the *The Times*, said, "The only remedy of English statesmen is another confiscation," and he proceeded in these words—

> "Another confiscation, but, my Lords, with this difference—that, whereas, in those days England confiscated the property of the disloyal and rewarded the loyal, in those days she (England) proceeds to mend matters by confiscating the property of the loyal to reward the disloyal."—[3 *Hansard*, cxcvi. 1869-70.]

What is the inference which must be drawn from these words? To please whom is it that we are "confiscating" the property of the Irish Church? Whom do we profess and desire to please? Is it not the great mass of the people of Ireland, who happen to be Roman Catholics? And does the right rev. Prelate think it will tend to peace and goodwill in Ireland that from the Episcopal Bench in this House the great mass of Irish Roman Catholics should be denounced—at least by inference—as comparatively disloyal? I say that such language is due to the spirit—the ancient, hereditary spirit—of Protestant ascendancy.

THE BISHOP OF PETERBOROUGH: I am exceedingly unwilling to interrupt the noble Duke, but he is entirely mistaken in what he attributes to me. I had no idea of stating that I regarded the Roman Catholic population of Ireland as disloyal. I spoke of the object of disendowment as being for the purpose of bribing or rewarding the disloyal; but I did not say that the Roman Catholic population of Ireland—either the whole or the larger part of them—were the disloyal persons whom the Government wished to reward.

THE DUKE OF ARGYLL: I have no doubt whatever that if we put it to the right rev. Prelate whether he would describe the Catholics of Ireland as disloyal he would answer "No!" But I say that in the speech which he made in this House—I will not use the word "clap-trap," but in the rapidity of his eloquence—he was induced to use language which can bear no other interpretation than that which I have put upon it; and I say that is language which is constantly being used by the Protestants of Ireland towards their Roman Catholic fellow-subjects. But I need not go further than the speech made to-night by the noble Duke who lately represented the Crown in Ireland. What was the whole gist of his argument? It was this—and it is a sufficiently familiar argument—that the Protestants are the garrison of England in Ireland. What does that expression mean?

THE DUKE OF ABERCORN: I said that the Protestants were loyal. I did not say that the Catholics were disloyal.

THE DUKE OF ARGYLL: I hope the people of Ireland will be satisfied with that explanation; but that is the language which has been used throughout this debate. Your Lordships have been told, in effect—"Unless you bribe the Protestants of Ireland"—and, surely this is no great compliment to them—"unless you bribe Irish Protestants by maintaining their unjust supremacy as regards the Irish Church, they will not be loyal; and, as matters now stand, the Roman Catholics are comparatively disloyal." I say that such language has a most mischievous political effect. My Lords, I look upon this, not as the "confiscation" of any funds belonging to any particular body, but as the better appropriation by the State of funds belonging to the State, and at its disposal for the benefit of the whole people of Ireland. I know that the feeling of noble Lords opposite is that this Bill is a blow to property; that it is a blow to Established Churches; and that it is a blow to the Protestant faith; and I wish to say a few words on each of these three positions. The word "property" is often very loosely used. I do not know whether your Lordships happen to have read—I think very few have read—the Report of the Royal Commission appointed by the late Government to consider the question of the Irish Church. You will there see that funds in the hands of the Commisioners are universally called the property of the Commissioners. In a legal sense, of course, they are. All property which, by the existing law, belongs to any class of men is, in a certain sense, their property. Parliament has chosen to commit certain funds to a small minority of the Irish people, with the intention that they should convert the Irish to the Protestant faith. But I maintain that the Established Church, properly so called—that is to say, the whole body of Protestants in Ireland—has no property whatever. A distinction is frequently drawn between corporate and private property. It is a perfectly valid distinction; but what you call the property of the Irish Church is not even corporate property. Each parish, or rather each benefice is, no doubt, a corporation; but, when you dissolve that corporation, the moral right to that property exists in the people of that parish; and I say it is a great violation of the natural rights of property to take away from the people of that parish and give to other parts of Ireland funds originally destined to pious uses in that parish alone. The noble Earl who spoke last night, the Chairman of the Commission (Earl Stanhope), said that, most unfortunately, his proposal came too late, and that if it had been made some years ago, it would have been practicable. He mentioned the town of Newtownards, a very thriving Protestant community in the North of Ireland, and he proposed to transfer funds from Munster and elsewhere to the population of Newtownards. What a monstrous act of injustice! This money was left for pious uses in certain other districts in the South and West of Ireland. You say, in effect—"We do not happen to agree with the majority of the people there in their religious opinions. We do not happen to be of their Church, and therefore we will not allow this money to be devoted to pious uses among them, but we will give it to Newtownards," which, being a thriving place, might surely pay the expenses of its own Church. This is your notion of the sacredness of property. I am glad to see that the noble and learned Lord opposite (Lord Cairns) treats the propositions of the Commissioners with utter indifference, if not with silent contempt. But remember, my Lords, such propositions as these formed the only possible alternative from the policy of the Government. It was the re-distribution of the property of the Church within the Church; and that is consistent with your notion of property. In every parish where fewer than forty Protestants are found, the Commissioners propose a transfer of property to other parishes in Ireland; and that proposition is in exact consistency with the argument always maintained by those who resist any appropriation of the funds of the Irish Church to purposes not connected with itself.

I pass now to the question of Establishments. And here let me say that I regretted very much some observations made by my noble Friend (Earl Russell). My noble Friend says that this Bill is a great blow to Establishments, especially in the Preamble and in the last clause of the Bill, which provides that the surplus funds of the Irish Church should be given to pious uses not connected with religious purposes. With regard to the principle of Establishments, I should like to know what part of the Bill is at variance with it. One doctrine of Establishments—a doctrine quite new to me—was propounded by the right rev. Prelate, who said that the State might contract with a certain ecclesiastical firm for the purpose of doing ecclesiastical work. That, it seems to me, is not a very high ground on which to peril the principle of an Established Church; and I confess that if I were about to contract with a firm with the view to do good to a people, I should enter into a contract with that particular firm which possessed the most influence among that people, and which most coincided with their opinions. Taking that ground, I suppose the right rev. Prelate would propose that we should enter into a contract with the Roman Catholic clergymen in Ireland. But, to the adoption of that course, I should on many different grounds object. And what, I would ask, is the other doctrine with regard to Establishments which has been laid down? The other, and I think the highest doctrine, is that we should adopt that Church which embraces most completely, in our opinion, religious truth, and that, through that Church, we should teach religious truth to the people. That, however, is, I am afraid, a doctrine which is not very consistent with our form of government. We are a representative government, and we cannot, therefore, adopt any one faith which may be professed by a small minority of the community, and insist upon its being the religion of the nation at large. That is a doctrine which, it appears to me, must break down under the operation of our political system. But let me ask right rev. Prelates and noble Lords opposite, if they look upon the teaching of religious truth as the paramount duty of the State, why it is that we take the course that we now pursue in the case of Ireland? There, it is true, you endow the Established Church; but you endow also the College of Maynooth, as well as the Presbyterians of Ulster and also Unitarians. What pretence then, can you make that the present ecclesiastical system in Ireland represents, under any possible theory, that duty of the State in regard to the propagation of religious truth for which you contend? It is absurd to maintain that our present system complies with that object. I regret, I may add, the observations which fell from my noble Friend (Earl Russell) this evening, because, as it seems to me, he confounded two things which are essentially distinct. The principle of Established Churches such as it exists in England is one thing; the indiscriminate payment of all religions is a thing entirely different. I contend that this Bill, even if my noble Friend should strike out the clauses and the passages in the Preamble with regard to religious teaching, to which he so much objects, would not thereby be brought in any degree nearer to sanctioning the principle of Established Churches. It would be merely brought nearer the principle of sanctioning the endowment—the equal and indiscriminate endowment—of all religious sects. To such a proposal I am opposed, practically as a politician, and theoretically on another ground. I look upon it as an unreasonable doctrine that every man should be called upon to pay for every other man's religion. If the Established Churches which have grown up in Europe under the teaching of one universal Church—if that system breaks down, depend upon it we have nothing before us but the principle of free and unendowed Churches.

One word now, my Lords, as to the danger of the Bill to the Protestant religion. I confess I heard with great pain the observations which have fallen from some right rev. Prelates, and especially from my most rev. Friend who presides over the diocese of Dublin, in regard to the possiblity of forming what is called a Free Church, or what is called in the Bill the Church Body. Now, it appears to me that no greater blow can be given to Protestantism than the confession in this House by the leaders of the Anglican Church that, without the benefit of endowments and the help of the State, they are utterly unable to organize any Church government representing the independent power of the Church in Ireland. I am ashamed of such a confession in the face of Roman Catholics and of Christendom ; I would ask right rev. Prelates to have more confidence in the strength of Protestantism and in the influence of their own episcopal ministry. I would also ask, when dealing with the argument of the evils which this Bill is calculated to work with respect to the Protestant religion—what has the Irish Church done to promote the success of that religion in Ireland? Is it not notorious that Ireland is the most Popish of all the nations of Europe —that which follows most meekly and most servilely the dominion of the priesthood? I heard in this House, not only this year, but last year, very strange complaints made as to the probability that, under the influence of a free Church in Ireland, we should have an active proselytizing organization established, which, in the opinion of some, would be a great evil. Now, I do not share the fears in that respect to which many noble Lords have given expression. The objects of such an organization may be sought to be effected sometimes in a very selfish and fanatical spirit; but I feel, nevertheless, bound to remember that it is the duty of Churches to preach and extend, if they can, the views of religious truth which they entertain. When, therefore, I find it held out as a threat of danger—and now for the first time—that the Protestant Church in Ireland may become a proselytizing Church, it sounds to me very like a confession that she has hitherto been something like a sleepy and useless Church.

I may, before I sit down, be allowed to say a few words as to the position in which your Lordships' House stands in reference to this Bill. It has, I think, been very accurately stated in the course of this debate—that it is not our duty to accept, as a matter of course, the decision of the House of Commons. It is, however, I maintain, our duty fully to weigh all the circumstances under which the votes of that great body happen to have been given. I trust I have succeeded in showing that that concurrence of parties to which Lord Derby referred as the cause of the success of this measure is a concurrence not accidental but permanent in the political history of this country. That being so, it is our duty, I contend, to give this Bill a second reading, and to go into Committee upon it. My noble Friend (Earl Russell) said, on a memorable occasion, that—"the aristocracy of this country were strong in the memory of immortal services." My Lords, I trust we are strong in better things. We cannot live on the memory of the dead. We must show that we are able to appreciate the great currents of public feeling which have formed the great parties of this country, and determined the course of political action. We must show that we are as able as the other House to appreciate the teaching of events. And if ever there has been a course of events which seemed more than another of a providential character, and to lead to one foregone conclusion, it is that series of events which, with apparent suddenness, but with long previous preparation, has brought this great measure to the table of your Lordships' House. Noble Lords opposite may say with truth that all movements are not movements of progress, and that there may be such things as movements in a wrong direction. I admit that. I believe in the decay and in the fall of States. It is the duty of the Liberal party in this country, and in every other, to question themselves and others carefully from time to time whether the movements in which they take part, and before which they are sometimes driven, are movements in a right or in a wrong direction. But, my Lords, measured by all the *criteria* which distinguish strength from weakness, justice from injustice, political energy and life from political decay, I avow my conviction that the movement in which we are now engaged is a movement in the right direction. It is a movement due to enlightened reason, and, better still my Lords, to awakened conscience. We desire to wipe out the foulest stain upon the name and fame of England—our policy to the Irish people. We wish to signify our adherence to the great principle, that religious truth is not to be supported at the cost of political injustice. We desire—as my noble Friend near me has suggested—to bring into the domain of politics the great Christian law of doing to others as we would be done by. These are the great principles upon which this measure is founded; and I say that these are not the indications of political decrepitude or decay. This House has been repeatedly advised to assent to the second reading of this measure mainly because it is pressed on us by the convictions of the people. But I have a higher ambition for your Lordships' House; I desire to see this House share in the great honours of their time; and my firm conviction is that in the course of a few years the passing of this measure will be looked back upon as one of the greatest triumphs of constitutional government, and as a step forward—and that a long one—in the most difficult of all works—the wise and the just government of mankind.

THE BISHOP OF LICHFIELD: My Lords, though I appear here as a young Member of your Lordships' House, I am an old member of my order, and therefore I hope I am not guilty of presumption in expressing my views on this occasion. But first let me thank the noble Duke (the Duke of Argyll) for offering that most excellent advice which he has given to the right rev. Bench. I am thankful for it, though, for some reason applicable to myself, I do not very much feel the need of it, and for this simple reason—that in the diocese over which I presided I was disestablished and disendowed fourteen years ago. I went out from this country to New Zealand some twenty-five or twenty-six years ago, and I have seen the working of our English Church in the colony of New Zealand until it has expanded and become coequal with the growth of the colony; and now six or seven bishoprics which have been founded there attest that its increase has kept pace with the increase of the population. But, having premised so much, I will now proceed to say I come here without any prejudice whatever in favour of Establishments. Having lived so long in a disestablished Church, I return after a long absence, with no peculiar connection with any party in the State, not even with the noble Lord (the Earl of Derby) who did me the honour to invite me to accept the bishopric I now fill. I feel, therefore, that I can trust myself on this occasion to form an unprejudiced opinion and give a conscientious vote. Now, my Lords, I will vote against the second reading of this Bill because I object to its principle and to almost every one of its details. The United Church of England and Ireland is one Church, and I see no reason why that union should be dissolved, just as the United Kingdom of Great Britain and Ireland is one kingdom, and I see no reason why that union should be repealed. But I hope, my Lords, that you will not think I am going to defend abuses. I am ready to join my old Friend Mr. Gladstone in cutting out all abuses root and branch, and I believe I am as great a Radical in that respect as he. But I am not prepared to admit that the establishment of any part of the English Church in Ireland is in itself an abuse. That, I believe, is the principle of this Bill and underlies every clause of the Bill. Now, on the subject of disendowment I will say very little, because I believe you are tired almost to death with hearing so much about stipends, life interests, parsonage houses, glebes, and all those matters which are called the accidents of spiritual things, in which my habits of life have given me very little interest at all. But I must say I think disendowment a very ugly word—it seems to me a very ugly word; while that which I thoroughly approve is a good constitutional system of Church reform, and that system has been going on in England and Ireland under the two Commissions—the Ecclesiastical Commission in England and the Ecclesiastical Commission in Ireland. Not only that, but a Royal Commission has been sitting for the express purpose of recommending to Parliament a further instalment of reform; and I confess that I share in the sorrow of one of the Commissioners, who rose last night to support the second reading of the Bill, that this measure had been introduced before the public had time to consider the proposals of that Commission. Indeed, the reasons which he gave for supporting the second reading seem to me to point to the rejection of this Bill, because the public have been called upon to form an opinion upon it without having had the requisite information of what was proposed to be done by the Commission. Now, this question of disendowment assumes a very serious form when it alters altogether what I believe to be the constitutional compact between the clergy and the laity—that is, when the State saves its own pockets by confiscating the property of the Church. I remember when Sir Robert Peel went down to the House of Commons at an early period of the Session, and said—

> "I take the opportunity at an early period of this Session, of announcing that it is the intention of Her Majesty's Ministers to propose a large increase of the grant to Maynooth, and not to couple it with any condition which might impair the grace or favour of the Crown."

What do we now find? That the most gracious grant of the British Parliament is to the end of time to be re-paid out of funds raised by the confiscation of the property of the Church of England in Ireland. Now, if there be any property which, when it comes to be inquired into, belongs fairly to the Church of Rome, by all means let it be given up. The Church of England professes no sympathy with the old system of confiscation. On the contrary, we believe that there cannot be a worse system of penal discipline than that of confiscation. New Zealand furnishes the strongest evidence that can be found of the evil of such a policy, because there the British Government has had to expend £5,000,000 of money in order to undo its vicious effects. Now, I should wish, after a fair investigation was held, that what belongs rightfully to the Church of England should be retained by the Church, and that what belong to the Church of Rome should be given back. The great objection to disendowment is that it does really compel the clergy to pay what the State itself ought to pay. The compact when formed between the State and the Church was that the clergy should give up their right to self-taxation and submit to be taxed by the Government. In those days these taxes were, I believe, called "benevolences," and bore the same relation to the clergy that "loans" did to the Jews. They were exacted probably in much the same way, though not by the same instruments, as "loans" were squeezed out of the Jews by the pressure of the thumbscrew. That practice was given up, the clergy consenting to be taxed in common with the laity; but they did not consent that the State should, whenever it thought proper, put its hand into the treasury of the Church and take out what it pleased to pay the debts of the State. On the subject of disestablishment, the reason why I object to this Bill is because I watched carefully all the reasons assigned in favour of it, and I cannot see any validity in them whatever. Now, the reasons assigned are, first, that the Established Church in Ireland is a badge of slavery. Now, my Lords, I do not know anything in England which is not a badge of slavery, except the National Anthem. By parity of reasoning our institutions of Parliament and our trial by jury are badges of Saxon conquest, while the Norman French embodied in our language is a badge of Norman conquest. In a lower range of life, as Scott informs us, beef and mutton are a sign of Norman conquest, while sheep and oxen are a badge of slavery. The noble Earl (Earl Granville) the other night made a graceful allusion to the ladies, thus establishing a precedent which I will take leave to follow. The ladies of the present day have happily given up that practice of their great grandmothers which reminded us of our affinity to the Picts. In the same way the presence of the Princess of Wales among us is a badge of slavery. We know that her ancestors over-ran a great part of England of which she has conquered the whole. How puerile, therefore, is it that a quick-witted nation like the Irish, except for reasons especially applicable to themselves, should feel in any way degraded by that which, if rightly managed, would be simply a benefit to them. But the fact is that the slavery or conquest of Ireland, if we may so call it, was the act entirely of the Pope. Adrian IV. gave Ireland to Henry II., that grant was confirmed by Alexander III, and exactly the same things went on under the supremacy of the Pope as were complained of after the Reformation. English ecclesiastics plundered Church property in Ireland exactly in the same way as Italian ecclesiastics plundered Church property in England. Therefore, I think it would be best to dismiss altogether such a puerile argument as that the Established Church is a badge of conquest when we know that the Irish Church existed for centuries before the Reformation, and that the English Church has existed for three centuries since. To go back to the year 1850. At that time the noble Earl who opened the debate this evening (Earl Russell) wrote a letter, the object of which was to call upon the English people to repress what was then termed the Papal Aggression. That letter was dated the 4th of November—rather an ominous day—and on the 5th of November, or shortly afterwards, all England was in a blaze. 1,300 Petitions, with 1,000,000 signatures, justified the majority of 332 in the House of Commons in passing the Act called "An Act to prevent the Assumption of Territorial Titles from places within the United Kingdom." What a marvellous change has occurred since then! A majority of 332 passed that Act in 1851, and last year the Suspensory Bill was passed in the House of Commons by a majority of 65. I am at a loss to account for so sudden a change of opinion. How did that Territorial Titles Bill end? It ended in humiliation. That result was brought about in this way. Lord Stanley had destroyed ten bishoprics in Ireland—no doubt with an eye to the benefit of the Church, but I think to the deep humiliation of the Church. Earl Russell, acting under the Territorial Titles Act, wrote to the titular Archbishop of Tuam, threatening him with legal proceedings. The Archbishop answered in words to this effect—

> "I must inform your Lordship that your Lordship has extinguished ten Protestant bishoprics. It rests with your Lordship's pleasure to extinguish the remainder; but I tell your Lordship that the title which I hold your Lordship can neither give nor take away."

That Act was never enforced, and the Archbishop of Westminster returned from Rome in the teeth of the Act with a cardinal's hat. And now comes the crowning measure of humiliation, and the United Church of England and Ireland is to be deprived of all State support. Not that I think that will in any degree affect the permanence, the vitality, or the influence of that Church; but, speaking simply of the question of humiliation, it certainly appears to me that the United Church of England and Ireland will be humiliated while the Church of Rome will be exalted. In this respect I thank Mr. Gladstone for the Bill, for it is sometimes good for us to be humbled. The next point which is often alleged is, that the Church of England is the Church of the minority. On that subject, my Lords, I should like to say a few words. We have been asked to state what is the principle of an Establishment? but it is much easier to state what it is not. It certainly does not, and never did yet, depend upon the question of a majority or a minority. No position, indeed, could be more expedient on which to rest than this, because, if the principle be admitted, all the religious bodies in the country will be kept in a continual state of ferment in their endeavours to proselytize for the simple object of one disestablishing the others and establishing themselves. Nothing could be more likely to destroy the peace of Great Britain and Ireland than the assertion of such a principle. There is another point which has been alleged this evening by the noble Duke (the Duke of Argyll)—namely, the failure of the Church to carry out the purposes for which she was founded. This is a very delicate subject; but I may remark that your Lordships were informed last night by my right rev. Brother the Bishop of Tuam that the Church has attained very considerable success in the most Catholic part of all Ireland. Still, it is not for us to boast of our own work, and therefore it is very difficult for us to answer such an objection as this. We have heard from another noble Lord that an Irish Prelate obtained £240,000 from that poor country; but I would ask the noble Lord who is answerable for that? If I understand the Irish law at all, it appears to me that in the reign of Queen Elizabeth an Irish Act of Parliament was passed in which it was stated that the election of the Bishops by the clergy should completely cease, and that in future all Irish Bishops should be appointed by the Crown. I think, therefore, that the Minister of the day must be answerable for that most peculating of all Bishops. It must have been done under some corrupt influence, for I scarcely think that any Church would have appointed to the office of Bishop a man who would have been guilty of such an act as that. But, then, as to the real cause of the failure of the Irish Church. The country was in such a troubled state, and the various races were so set against one another, that it was just as impossible to expect any true religion to grow up in Ireland as to have expected it to grow up in our country during the Wars of the Roses. That unhappy state of things continued in unequal proportions during the whole of the seven centuries which have passed away since the subjugation of Ireland.

On this point I will cite the testimony of Mr. Plowden, who says—

> "Such were the unceasing calamities to which that unfortunate country was doomed during the reigns of sixteen of our monarchs who held the British sceptre from the invasion under Henry II. to the Reformation under Henry VIII., calamities arising out of the internal divisions and national disunion and oppression of that kingdom."

All this was during a time, I may remark, when the Roman Catholic Church held supremacy in Ireland. The same writer adds—

> "It has been too prevalent with most writers since the Reformation to lay indiscriminately to the account of that great innovation in our national Church the various struggles and revolutions and convulsions that afterwards happened in the State, an error pregnant with incalculable mischief. And what deviation from truth does not produce evil?"

This is the danger against which we have to guard—the laying at the door of the Established Church many, if not most, of the evils of that country. I confess I was surprised when I heard my right rev. Brother assert that the present state of Ireland and the existence of the Established Church in that country stood in the distinct connection of cause and effect: yet in another part of his speech he seems to attribute the evils of Ireland to centuries of misrule. We have been asked this evening whether we have any plan to propose, and we have been rather taunted for not having proposed one. All I ask is that you will really regard this as an Imperial and not as an Irish question; that you will regard it as a question bearing on the interests of the United Kingdom of Great Britain and Ireland, and not merely on the interests of a fractional portion of the inhabitants of one part of it. The reason I say this is, because the varying circumstances of the different component parts of the United Kingdom of Great Britain and Ireland have been wisely considered on former occasions. I think it is most wise that in Scotland, under the special circumstances of that kingdom, the Act of Union should have been made to assume the form it did. It was an Act to maintain for ever and secure the Protestant religion and the Presbyterian Church government. That Act was, as we have been already told by several speakers, the basis of the Irish Act of Union. Both of them rested on the same principle — namely, that to secure the Protestant religion the Imperial Crown of Great Britain and Ireland was to be held by a Protestant; that the Irish Lords Spiritual should sit by rotation and vote in the House of Lords; that the Church of England and Ireland, as by law established, should be united into a Protestant Episcopal Church, called the United Church of England and Ireland; and that the continuance and preservation of the said Church should be deemed and taken to be an essential and fundamental part of the Union; and that, in like manner, the doctrine, discipline, and government of the Church of Scotland should be preserved as established by law. My reason for wishing this to be made an Imperial and not a local question is that the Queen's supremacy, and the existence of the Established Church under that supremacy, appears to me to be mixed up with all parts of the United Kingdom of Great Britain and Ireland. And yet it is supposed that all the Acts of Parliament by which the Coronation Oath is regulated are to be repealed by three or four lines in a Bill which, it is assumed, was understood by every voter at the hustings. We are told, indeed, that the voice of the nation has been most distinctly pronounced upon this subject. If the peculiar circumstances of Ireland had been entertained, instead of rushing into this kind of pell-mell legislation, reasons would have been found for making a broad distinction between one part of Ireland and another —just as it was found necessary to make a distinction between one part of Great Britain and another. It would not have been difficult to show just and valid reasons for dealing exceptionally with Ulster, because almost all the allegations made against the Irish Church fail when applied to the Province of Ulster. Take, for instance, the recommendations of the Commissioners. They recommend that a bishopric of Derry should include Derry and Raphoe, and contain 112 parishes, with an average of 581 members of the Established Church in each. A second diocese is that of Down, comprising Conor, Down, and Dromore, containing 152 parishes, with an average of 1,008 members of the Established Church in each; and a third is the diocese of Armagh, including Armagh, Clogher, and Kilmore, with 222 parishes, and an average of members of the Established

Church in each parish of 826. The result would be that we should have 486 parishes containing a population of 401,515 members of the Established Church, or 826 for each parish. It is quite true that these parishes would be large in extent, but there would be more certainty of adequate employment for each of the clergymen appointed. In case of a re-distribution being required—to which, for my part, I should have no objection—the funds would be more than are necessary for the maintenance of religion in those parts of the country. Now, I would ask is it at all necessary or wise that Her Majesty should be prohibited from appointing to these parishes in Ulster, and possibly to parishes in other dioceses, persons who should be the authorized exponents of the religion which Her Majesty by her Coronation Oath is bound to uphold and maintain? Is it just or reasonable that the Sovereign should be the only person in the kingdom bound to entertain a particular opinion—that the law should deny to the Sovereign a liberty which it accords to the meanest of her subjects—that she should be bound by her Coronation Oath, and, under penalty of forfeiture of the Crown, to hold to a certain form of religious persuasion—and then refuse to allow the appropriation of a certain number of persons in all parts of her dominions—where there is no local enactment to the contrary passed by a competent Legislature—to expound those principles which Her Majesty is bound to uphold and maintain? But let me take another argument. Unfortunately the Treasury Bench is now deserted. This, my Lord—(Lord Dufferin, who was at that moment the only occupant of the Treasury Bench)—is the Bench on which sit the representatives of the Queen's supremacy. On this Bench, and a Bench of still greater importance in the Lower House, business is carried on by a firm trading under the title of Henry VIII. and Co. You are responsible for the acts of Her Majesty; and you are responsible, too, if by your advice, contrary to the honour of the Crown and the advantage to the kingdom, you abridge the number of persons who are willing from their hearts to recognize Her Majesty's ecclesiastical supremacy. That Bench gives no answer! Would you so tamely witness an unwise and unnecessary reduction in our Army or our Navy? But, in reference to the general question, let me presume for a moment to speak from my own personal experience. I have myself served as a chaplain in the Army, and I have seen how it is possible for the three forms of Establishment which you find in Ireland to work together harmoniously. Now, when I was serving in the Army in New Zealand, I was one of three military chaplains who all held the commission of Her Majesty. There was an excellent chaplain of the Roman Catholic Church, an Irishman, who had served a long time in the garrison of Dublin, and who had attained the military rank of lieutenant colonel. There was a Presbyterian chaplain — appointed, of course, from the Established, and not the Free, Church of Scotland, because the Established Church is the only one out of which Her Majesty could select Presbyterian chaplains for the Army; and there was myself, who was then only a fourth-class chaplain. Now, what did I find? Instead of the bickerings and animosities that elsewhere prevail among religious bodies, the Roman Catholic chaplain being a field officer, and, as such, entitled to a double hut, came to me as soon as I appeared in camp—"I have got two rooms, you must take one of them." Some of the Roman Catholic officers said—"They would stare at this in Ireland." But what was yet more remarkable—to show how charity grows when you get rid of all these political complications—yes, but it does not prove anything in favour of disestablishment, but that charity and good feeling prevailed because all the persons thus engaged in teaching the soldiers their religious duties received their commissions alike from Her Majesty, and that without the slightest reference to the proportion of numbers in the Army. There was no calculation of heads as to whether there were so many Church of England soldiers, or so many Presbyterians, or so many Roman Catholics. If the Roman Catholics had been in the majority, no one would have advised Her Majesty to disestablish the clergyman of the Anglican communion, or if the Church of England soldiers had been in the majority, no one would have suggested that the Presbyterian chaplain should be disestablished. The most amicable relations prevailed on all sides. When that excellent man the Roman Catholic chaplain offered me this, I said—"Are you quite right in doing this according to your rules and ordinances?" He said—"What do you mean?" I replied—"I mean what I say." Whereupon he returned—"If my superiors were to attempt to bar me from exercising the sacred duty of hospitality, I would throw up my commission rather than submit to it." And I say that, in the same way, if you would only consent to let alone these exciting feelings, to deal with this matter constitutionally, as one affecting the whole Empire—if you would not call us together here again and again with all these agitating questions, wasting our time upon politics, and sending out emissaries of strife to all the most remote parts of the Empire—if you would only advise Her Majesty to give such commissions as she pleases to as many clergymen as appears proper of the United Church of England and Ireland, or such commissions as she thinks proper to the Presbyterian clergy of the North of Ireland, and also to the priests of the Roman Catholic Church in Ireland, I believe the result would be most happy. And if these persons are content to accept endowments and honours, by all means let it be so; nay, if Her Majesty should be pleased to call to her councils one who the other day stood at the foot of the Throne—once my dear brother, and now my dear friend, Archbishop Manning—I for one should never object, because whom my Sovereign delighteth to honour I will also delight to honour. The noble Duke the other evening accused us of thundering out all manner of unkind and uncharitable words against our Roman Catholic brethren—but I, at least, believe I have not laid myself open to the charge. For twenty-five or twenty-six years I have lived in perfect amity with all religious denominations. I never had strife of any kind with any minister of religion. And it is because I believe that all denominations can live in friendship that I beseech your Lordships, in spite of the so-called verdict of the nation, to allow us a little breathing time before you throw the apple of discord among all the religious bodies of Ireland; I am afraid that the appeal will not be acceded to—but *liberavi animam meam*. Now, my Lords, we have heard a good deal about justice to Ireland, and it has been asked what that means. I confess I was very much shocked when the noble Duke told us that the members of the Roman Catholic Church had steadily voted for the destruction of the Irish Establishment. I am not so well read as the noble Duke is in all the questions of the time; but I think I remember that Roman Catholic Emancipation was granted on the understanding—an understanding sanctioned by an oath—that the men who were then admitted to full civil equality and equal political privileges should not use their power against the Church as by law established. Now, my Lords, so much has been said on this subject—so many taunts have been thrown out against those who refer either to the Coronation Oath, or to the Oath for the maintenance of the Protestant religion—that I feel unwilling to say anything more. But when we were exhorted by the noble Earl the Secretary for the Colonies to love one another, it really seemed to me—I do not use the word invidiously—something like mockery; it was as if he had said—"We all love one another so well, that we need not talk about such trifles as oaths." My Lords, this is really a very serious matter when one section of our fellow-subjects are bent upon destroying that Church, which for so many years they have sworn to maintain. I put it to their own consciences, whether they are released from the obligations of the oath. Did they not accept Roman Catholic emancipation as a boon? Did they not in consideration of that boon waive all objections to the Established Church? Can they then conscientiously say that they are released from that obligation, merely because a mixed majority made up of all classes of persons, actuated by all manner of motives, have concurred to send up a majority of 115 to the House of Commons—including those whose votes, I think, ought never to have been given on this question at all. Now, my Lords, that I consider to be a real substantial grievance—a grievance of which, on the part of the Irish Church, we have a perfect right to complain, that their property is to be taken away; that they are to have no longer their status in society, and that, whilst nothing can deprive them of their power of serving God and winning souls, everything of which the State can possibly deprive them is to be taken away. Therefore, when we talk of justice to Ireland, do let us consider what Ireland we mean. Let us take care that in doing justice to the southern part of Ireland we do not do injustice to the North; in doing justice to the Roman Catholic inhabitants of Ireland that we do not do injustice to the Protestants. There is injustice in every part of this Bill. There is a recognition of life interests in the case of one class of persons and not of another. There is a recognition of the life interests of the Bishops; there is a recognition of the life interests of the clergy; but there is one higher life interest which this Bill does not recognize—the life interests of the whole body of the laity. When I come to any special case—the case of the Bishops, for instance—I say that there is the greatest injustice in it. As Spiritual Peers of Parliament I think we are bound to protect them in the position they now hold. In proposing to expel from this House these excellent men, we are committing an injustice far greater than that of maintaining an Established Church in the face of a majority of the Irish people. My Lords, you have recognized the life interest of the Bishops in other matters. You have even by this Bill recognized their life interest in the mysteries of Court precedence, which are buried somewhere in the office of the Lord Chamberlain or of the Heralds. But I ask you, do you think so little of the honour of sitting in this House that you think you inflict no disgrace on these good men by expelling them from it? You are much better able than I am to judge of the ignominy to which you are exposing them; and if that noble Earl again were here who taught us that touching lesson about loving one another, I should just ask him—"Would you like to be turned out of the House of Lords?" My Lords, I must ask leave to speak very plainly on this subject. You cannot expect me, feeling as I do, to vote for the expulsion of these right rev. Brethren of mine. You cannot expect me to desert them as mice—I will not say rats—desert a sinking ship. Sink or swim, as a Bishop of the United Church of England and Ireland, I stand by the side of these right rev. Prelates, and I tell you plainly that, much as I value my seat in this House, I would rather be turned out myself than vote for their expulsion. On the question of public opinion, the noble Duke who spoke last (the Duke of Argyll) claimed a large measure of confidence on that point. I am not in the least the kind of man to defy public opinion. I am the Bishop of a diocese containing 1,000,000 of men, and I am ready at any moment to go into the middle of the market-place at Wolverhampton to justify my vote. And when the noble Duke has claimed on his side a large portion of the representation of the country, because he and his friends have reduced the franchise, let us see how the case stands. The constituencies before Lord Grey's Reform Act numbered 500,000; they were raised by that Act, and by the natural increase of the population, to 1,300,000—a number which the Reform Act of 1868 raised to 2,500,000. There are, I believe, in the United Kingdom, 30,000,000 of people—one-half of whom may be assumed to be women. Of the 15,000,000 males, I allow 5,000,000 for those under twenty-one years of age. There remains, then, 10,000,000 of adult men in the United Kingdom of Great Britain and Ireland, out of which 2,500,000, or about one-quarter, have votes. Now, my Lords, I speak in the interests of the 7,500,000 souls who have no votes. I claim for them the benefit of this principle of Establishment. Those persons who benefit by household suffrage, are able to pay for Churches and ministers for themselves. The very fact that they are rate-payers proves that they have property, and the fact that, for the most part, they live in great towns, proves that, whether they pay for it or not, they have the means of attending religious services. But in many of the rural parishes, and especially in Irish rural parishes, the poorer people would not have similar facilities without an Established Church. An Established Church provides them with Divine worship and the ministrations of a clergy. The persons who have the franchise pay rates, and it is not probable that they would be in favour of paying taxes to supply the people with Divine worship. As Jeremy Bentham says, an assembly of tax-payers is no more likely to be in favour of taxes than a council of horses would be to favour bits. The poor are the very persons for whom an Established Church seeks to provide. It is in the interests of those poor persons that I speak. Who is there to protect their interests? The Queen is the protector of their interests; and the principle of Establishments protects them. Speaking from my experience in the colonies, where we are non-established, I can bear testimony to the fact, that the effect of the rivalry that exists between the religious bodies is to prevent the Government making any allowance whatever for chaplains for gaols or hospitals. The consequence is that those who so specially need the ministrations of religion are left to voluntary action. We have been taunted with not having a policy. I must say my own opinion is that the Government have begun at the wrong end; and we are taking the secondary remedy instead of the primary; for the real difficulty and danger in Ireland everybody admits is the land. Why not then go boldly into the question of the land, and adopt a sound solid system which should institute honest and intelligent farmers in the possession of a portion of the land which they till? Your Lordships will doubtless recollect the letter written by Mr. Bright, in which he proposes a plan for buying up certain estates in Ireland and ultimately selling them to the Irish peasantry. The right hon. Gentleman says that he doubts whether this measure could be carried out in the then Parliament; but that, when the voice of the people should have been heard in the new Parliament, he believed it could be done. Now, my Lords, either the voice of the people is not expressed by the present Parliament, or else, according to Mr. Bright, the land scheme could be carried by it. And, indeed, I myself do not see why that should not be the case. In New Zealand Englishmen, Scotchmen, and Irishmen live together upon the best terms; the qualities of each particular class become blended with each other to the improvement of all. No dissension as to tenant-right can arise, because every tenant has the right of purchasing the land he holds at a fixed price. Under these circumstances, the tenants, instead of being lazy and drunken, strain every nerve in order to save the money which will enable them to become the proprietors of the land they occupy. In this way it happens that the most irregular people of the Irish race become steady and industrious people, acquiring property and losing all their wandering habits, until it becomes almost impossible to distinguish between the comparative value of the character of the Irish and Scotch elements. Of their loyalty to the Crown I can speak from my own observation, for the only regiment that is employed in keeping order in New Zealand is Her Majesty's Royal Irish. Now, my Lords, I have not the slightest hope that any of these suggestions of mine will be adopted; but I think it right to say that one Member of the Cabinet has suggested similar remedies, and that is Mr. Bright. I am the more thankful to make this statement after what occurred in your Lordships' House yesterday; and I think your Lordships will regard the letter I have referred to from that right hon. Gentleman this evening as containing good practical wisdom. With reference to the question that has been raised as to the difference between private and public property, I must say that, in my opinion, to draw any such distinction is most unwise. I cannot see how property dedicated to the service of God should change its character and should cease to be property, while it would remain property if it stood as an ornamental ruin in your parks. I can assure your Lordships that if these doctrines are insisted upon you will strike at the whole charity of the country, and that the greater part of the benevolence of England will fall into the hands of that triumvirate which sits in the palace which was built by the Protector Somerset out of the spoils of the Church. My Lords, I speak on the present occasion under circumstances of grave disadvantage, for I have the misfortune to differ in opinion from the most rev. Primate, who has approved the second reading of the Bill. In the last Session of Parliament, a noble Lord uttered the prediction that, when a crisis like the present arose, the troops—meaning the defenders of the Irish Church—would not stand. My Lords, the troops are not standing, and the noble Lord who made that prediction has been the first to give way. But, my Lords, I recollect with pleasure that this is the day of the month when some troops did stand while others fled, and, my Lords, I also recollect that this year is the centenary of the birth of the gallant man under whose command they did stand. My Lords, the words of that great man may have faded from your Lordships' memories, but they still live and burn in mine. He said in this House—

> "It has been my fortune to live among people of many different religions. I have lived among Hindoos and among Mahomedans; but, whatever their religion might be, I never found a country that did not make a public provision for religious worship."

My Lords, I believe this Bill to be the beginning of a war against all Establishments in both Great Britain and Ireland. I believe it to be an infringement of many statutes, a tampering with many oaths, and a violation of many solemn treaties. I believe that it tends naturally to the destruction of God's truth; and, therefore, however painful, the necessity lies upon me to vote against the second reading. My Lords, I can only repeat the words of Luther—"Here I stand—I cannot do otherwise." If you carry your point, I hope that such an example of conciliation as this Bill will be may have some effect in producing a reciprocity in Rome. I hope that we shall not be obliged after the passing of this Act to worship God outside the walls of Rome. I hope—although, possibly, the hope is vain—that the time will come when the hills of Rome will not pour forth like volcanic lava maledictions upon nations thirsting for liberty; that the time may come when the Vatican Mount will not echo back the roar of French artillery—when the temporal throne will not be guarded against its own subjects and against the voice of a united Italy by foreign arms; and when—instead of the scarecrow we have heard so graphically described—the dove of Peace may build her nest upon the tiara of a disestablished Pope. My Lords, I look forward in the hope that these may be the results following upon this Act. And, my Lords, I have this consolation, that however erroneous the great act of conciliation may now appear to be, I hope it will be regarded in the great Council which is about to be assembled in Rome, that, in spite of all the crimes and mistakes which occurred in the dim twilight of the English Reformation, to the light of the English Bible that then rose upon our land it is owing that the British Parliament is now assembled resolved, in a spirit of impartial justice and of comprehensive charity, to redress the wrongs of Ireland and to heal her bleeding wounds.

LORD WESTBURY: My Lords, there are two subjects before your Lordships —in the first place, the Irish Church, which it is stated is full of evil and a crying injustice; and, in the second place, the present Bill, which is to remedy those evils. Assuming for the moment that the state of Ireland requires some remedy, I will turn to the Bill which has been introduced by Her Majesty's Government, and which we are told will effect the object they have in view. My Lords, I am sorry to say that I believe that Bill to be fraught with far greater injustice, and full of more unconstitutional principles, and altogether far worse than the evils which it professes to remedy. I believe it to be not only evil in itself, but that if carried it will be provocative of still greater evils—

> "— mox daturus
> "Progeniem vitiosiorem."

The remedy is worse than the disease. Now I shall be told that the logical conclusion to be drawn from what I have said would be to say that it is our duty to reject the Bill. But, my Lords, I cannot accept that conclusion. I believe that you are bound by an obligation of honour, as much as you are bound by the dictates of a wise policy, not to reject the Bill, but to accept it—not finally as it stands, but for the purpose of amending it; and then if it should not be received in its amended form by the other House of Parliament I shall heartily join with your Lordships in refusing to allow it a place on the statute book. My Lords, the Bill is one of destruction—I want you to make it one of beneficial reform. I have said that you were under an obligation of honour in the matter, and I will tell you to what I allude. Last Session, when the Suspensory Bill was in this House, it was said that this question must go to the hustings, and the Government of the day said they were willing to abide by the issue. Well, my Lords, the people at the hustings most undoubtedly have returned a verdict, as it is called, establishing this—that in their opinion the Irish Church is a grave evil, and that that evil requires to be remedied. If you told the people that you would abide by their verdict, it is your duty to fulfil your obligation. But to what extent does that obligation go? My Lords, I desire carefully to discriminate and to endeavour to express with accuracy what I believe to be the position in which we stand in a constitutional point of view. The people have a right to express their opinions upon an important subject. At the last

General Election they did so, and they pointed out an evil which, in their opinion, demanded redress at your hands. But it is not the duty of the people, nor is it within their competence, to accompany their representations of the evil with a statement of the legislative measures which you are to adopt. Legislation for the removal of the evils presented to you as existing belongs to your deliberative wisdom. If the people have chosen to affirm that the Irish Church is an evil, it is not to be supposed—as many times it has been supposed in this debate—that the verdict of the hustings involves the acceptance either of this measure or of the principle of disestablishment and disendowment. My Lords, constitutionally, it involves nothing of the kind. Disestablishment and disendowment are conclusions which it peculiarly belongs to the wisdom of Parliament to accept or reject. There are certain modes undoubtedly of remedying the evil; but they are not within the power of the people to dictate—they are entirely within your competency to determine. I agree with the right rev. Prelate who spoke last (the Bishop of Lichfield) in many of his remarks, though I cannot agree with him in all the principles he laid down—I fear that we must come back to the sterner realities of national life. But when I am told that we must look to the verdict of the country as conclusive on the subjects of disestablishment and disendowment—words which I agree with the right rev. Prelate are of very ugly coinage—I will say that I do not believe there was one man in 20,000 who had the least conception of the proper meaning of these words. And though I desire to speak with unfeigned respect of my noble Friend the Secretary for the Colonies, yet, judging by the speech which he delivered in introducing his Motion, I would not venture to say that those words are rightly understood even by the Members of Her Majesty's Government. I am perfectly confident that if they were called upon to pass a logical examination, or if the Civil Service Commissioners were to examine them as to the meaning of these words, we should have many discordant answers and many contradictory interpretations. So much with regard to the hustings. But I entirely agree that if the people again and again present an evil to be redressed, and you are aware that they know what they want—if you are aware that they understand the subject—if they come to you several times with an understanding mind—then it is the duty of Parliament not to stand in the way of the fulfilment of the desires of the people. So, in like manner, with regard to the other House of Parliament. If they send up to you a measure once, twice, or three times, according to its nature well-considered and seriously required, you are not to stand between them and the object; you are bound to assume that what is so presented by the representatives of the people is, in reality *vox populi*, when that *vox populi* is properly expressed, not in clamorous tones—not when the people imagine a vain thing—but speaking with an understanding mind. My noble Friend below me (the Duke of Argyll) seems to think that this is a matter for merriment. I am very glad to have an opportunity of assuring him that it is a serious constitutional matter, which I hope hereafter he will lay to heart. I can understand that a great deal of what he has heard appears to him quite heretical and erroneous, for it is clear that he has been in the habit of looking at all these matters through a distorted glass. I do not mean to impugn or weaken the wit of my noble Friend, and, even though he has laughed at that which is a very serious truth, I do not think the worse of him, as I have a very high opinion of his judgment and knowledge. Having endeavoured to lay down what I hold to be the true constitutional principle in this matter, I will add that I entirely concur with the opinions expressed by the noble Marquess who spoke last night (the Marquess of Salisbury). I beg your Lordships to consider how important it is that, in this stage of the argument, we should remember what the position of this House would be if we refused to give attention to requests so explicitly made to it by the people. That would convert your Lordships into a tyrannical oligarchy—because, in truth, you would be refusing to the people the benefits of Parliamentary representation. Passing from that subject there are two or three topics which are constantly put forth in this argument, and which, it seems to me, desirable to look into, to prevent, as far as we can, the possibility of misapprehension upon matters so serious. A great deal has been said by different Members of this House on the subject of the Coronation Oath. This is a very serious subject, and therefore to be viewed with considerable caution. The true principle was, I think, rightly stated by my noble Friend the Master of the Rolls. But since that speech was delivered the topic has been adverted to by many Members, and particularly by the noble Earl who began the debate last night (Earl Russell). The Coronation Oath, notwithstanding its solemnity, is nothing in the world more than a compact between the Crown and the people. It is a very solemn compact; but it remains a compact, notwithstanding the solemnity of the sanction which is given to it. It is denominated in the language of the jurists "*jus pro populo introductum;*" and the termination of that contract is with equal truth described as "*renunciare juri pro se introducto.*" If you, representing one party to the compact, obtain a measure from Parliament which appears to militate against the language of the Oath, and if you come to the Crown releasing it from the obligation to perform a portion of the duty to which the Crown is bound by the Oath, there can be no doubt that the obligation is effectually released, and that the Crown is relieved from all responsibility in the matter. I pass from that to the Act of Union. The noble Earl, and several others who spoke in the course of the debate, laid down the doctrine, and told you distinctly that the Act of Union was more than an Act of Parliament—that it was a Treaty. In this there was a very great fallacy, because it was discussed by the noble Earl as if one party to the Treaty was desirous of putting an end to it, and thereby of violating the rights of the other. Now, undoubtedly, it is quite true that if there be a solemn engagement completed between two parties, consisting of several articles, and if by one of the parties one of these articles is broken, that releases the other party from the obligation of performing the rest. But the fallacy lies in supposing that one party to the Treaty is doing so. The noble Earl told you last night that this contract was made with a Protestant Parliament. That matters not. They who come here now with this Bill, and against whom the Act of Union is quoted, represent not one party to the Treaty merely, but they represent the people of England, Ireland, and Scotland too. It is not one party to the Treaty which desires to be released, but it is both parties—it is the representatives of the three Kingdoms, who come here by common consent, and ask to have a particular part of this Treaty altered and omitted. There is no difficulty, therefore, either in the Coronation Oath or the Act of Union. The same principles apply to one as to the other; both are within the competence of Parliament to alter, however strong may have been the attempts of Parliaments in former ages to bind their successors. Now I pass to another subject, which has been mentioned a good deal, and I hope to express an accurate view of what is the true principle of the law on the subject of property. You have been told again and again of the difference between private and corporate property—and I observed that a great deal of the argument in "another place" turned on that distinction. Now, between private property and the property of corporations as property there is no difference at all. The title to one is the same as the title to the other—the difference is between the characters of the recipients and holders of property. A private individual is a natural growth, while a corporation is an artificial creation of society. But you cannot take away the property of a corporation, except on grounds correspondent to those which guide you in confiscating the property of an individual. If the corporation fails to perform its mission, if it refuses to fulfil its obligations, and it no longer discharges its trust, then undoubtedly it is competent to the State to destroy the corporation, and by destroying it you confiscate the property belonging to it. But while the corporation performs its functions, while it is not amenable to any indictment, or to any charge of violating its duty, its property is as sacred in the eye of the law as the property of any individual. That, my Lord, is most germane to the argument upon which we are engaged—because it has been assumed that you may deal with the Irish Church just as you would deal with a delinquent corporation. Consider for a moment what are the charges laid against the Irish Church. Are they any of them at all of the nature of those that would be required to disfranchise and dissolve a corporation and take away its property? I will come to that subject more fully presently; but I now appeal to all your Lordships whether you have heard in the course of this debate any accusation against the Irish Church; which, if it were a corporation —as it is not—it is rather a part of your Constitution—a great institution of the country; but if it had been merely a civil or municipal corporation, I ask is there anything in the world alleged against it which would have justified any court of law or any tribunal whatever in pronouncing that civil corporation liable to be disfranchised, and dissolved, and deprived of its property? I am sure I may appeal to every one of your Lordships that there is nothing—at least so far as you have yet heard—which would justify any tribunal in declaring of the Irish Church, if it were a corporation, that it was a delinquent corporation. There is another topic to which I will for a moment direct your Lordships' attention. You have heard a great deal about State endowments, and you have been told that the Irish Church received its endowments from the State, and that therefore it was competent for the State to resume that which it had given. Now, my Lords, that is altogether historically untrue. There never has been any grant made by the State to the Irish Church. There was, indeed, property belonging to the Irish Roman Catholic Church; and the Irish Reformed Church, by force of the statute of the 2nd Elizabeth, succeeded to the possession of that property. That property never arose from the State, nor sprang from donations made by the State. That property was the accumulation of the charitable gifts of individuals who, in the early stages of Christianity, following the example and the precepts supposed to be contained in the Old Testament, dedicated the tithes of their lands voluntarily to the service of the Church and the purposes of the teaching and the spreading of Christianity. Those donations were collected by degrees in the hands of the Church, and being found in the hands of the Roman Catholic Church at the time of the Reformation, passed into the hands of the Church in its reformed state, under the statute which I have named, and so became the property of the Irish branch of the Reformed Church. It is, therefore, quite a mistake to suppose that the State, as a State, has given, and therefore can take away; and that if it appeared to the State at one time to be right to give, the State is justified upon other and different grounds in resuming what it has given. That is a great fallacy; it never was given by the State; it is due to the generosity of those who were not the State; and the Irish Church is in reason and in justice as much entitled to retain it as you would be entitled to retain the bounty you receive from the generosity or benevolence of any individual. I now come, my Lords, to a matter which, to my mind, has been productive of very grave error in the course of this debate, and that is the meaning of the word "Establishment." I have observed that throughout this debate noble Lords have generally used that term with reference only to the outward constitution of the Church—namely, to its staff of officers, and the provision made for their support. My Lords, these are not the Irish Church, although they are contained in it. The Establishment is that portion of the law which has enacted that a certain religion, consisting of the Creeds of the Church of England, her Articles and her Common Prayer and the Act of Uniformity, should be the established religion in Ireland. The Establishment is the religion required by law to be preached and taught through the medium of the diocesan and parochial clergy; and the diocesan and parochial system are incidental to that Establishment; but the Establishment may continue although you take away all the staff of officers incident to it. The Establishment is the Church; it is the religion which you have imposed by law upon this country and upon Ireland also; and that is a most sacred thing, not to be dealt with in the manner that Her Majesty's Government propose, but to be preserved as the most sacred gift that you could bestow upon Ireland, and which is not therefore to be taken away upon any such light grounds as I have heard in the course of this debate. My Lords, before I proceed further to consider the principles embodied in this Bill, let me advert to one or two general considerations connected with the measure and with the time of its introduction. For myself I must say I cannot imagine anything more unhappy than the particular time selected by Her Majesty's Government for the introduction of this Bill. It comes with no grace of generosity, because it will be regarded everywhere as the mere offspring of fear—the mere child of terror. You have embodied in this measure a great statement. That statement is this—that the Irish Church is a great injustice—a wicked evil, and ought never to have been imposed upon the Irish people. So says the Irish peasant, and he will also say this—"You came into our country with an army; you carried your Church in one hand, and fire and sword in the other. You fastened your Church upon us; you burnt our dwellings; you slew us in the field; you murdered us on the scaffold; you confiscated our land, and gave it to an alien and a Protestant proprietary. We rejoice at your penitence. You have taken 300 years to learn the dictates of religion and the rules of justice; it is a somewhat tardy application of them, but better late than never. We give you all credit for your sincerity and truth; and therefore, as you did us injustice then, which we will charitably forgive, no doubt you will complete your work of penitence by restoring to us the lands of which you robbed us." Will you, my Lords, accept these as the principles of justice and the principles of religion and say—"Thus far shall we go and no further?" Shall a man come to me who has disendowed and disestablished me by knocking me down and picking my pocket, and then, while telling me he is very sorry indeed for what he has done, say to me—"I don't intend to return you your purse?" My Lords, it is impossible to bring the mind of the Irish peasant to any other conclusion than this. Do you think he will be satisfied if I tell him, as a lawyer—"Oh, there have been 300 years of possession. I am sorry that we can't take away the land that was confiscated, but we will take away the property of the Church." Would he not at once say—"We will take the law into our own hands in order to carry out the dictates of our reason? The destruction of the Church is the only good thing we have from you; you must do complete justice; and that complete justice we are determined to have." My Lords, it was on that ground that I besought the Government some time ago to give us the Land Bill first, and the Church Bill afterwards, or to give us both together. My Lords, if I were to denominate the Bill I have now before me, and to speak of its technical artificial nature, I should have to borrow a term from Mr. Burke as applicable to its authors, and say they were "admirable architects of ruin." I find nothing in it but destruction, and I am afraid it may be the herald of other Bills constituted on the same principle. It is clear that this is not the only question—for Mr. Gladstone, in one of his speeches said—

> "It is clear that the Church of Ireland is indeed a great question, but even that question is but one of three. There is the Church of Ireland, there is the land of Ireland, there is the education of Ireland. They are all so many branches from one trunk, and that trunk is the tree of what is called Protestant ascendancy."

Well, now my Lords, this Bill is to cut down Protestant ascendancy and produce equality. I do not want to consider only part of this great subject; I want to consider the whole. I apprehend evil consequences from what I find here enacted, unless Her Majesty's Government will relieve us from all apprehension by telling us that the principles laid down in this Bill are not followed out to their logical consequences either in their Land or in their Education Bill. I should have been very glad had the suggestion I made met with any response, for it was made, not in the spirit of obstruction, but in the desire that we should have the full policy of the Government before us—because, as I found fault with this Bill, I hoped to find some compensation in their land measure. Now, that the land measure is the most important no one can read a page of the history of Ireland without being convinced. Long before the English invasion—long before the Reformation—Ireland presented, as she now presents, a constant contest for the land. Hence arose violent animosimosities, murders—in fact, all the outrages which are so painfully familiar to us. What is the reason? Ireland had no manufactures — she was overpeopled—her only support was the land, and for the land people quarrelled as they did since, and do now; and they are now only waiting in grim repose to know what Her Majesty's Government will do with the land, as the logical consequence of this measure. Passing by that, and coming to another consideration, I ask your Lordships to cast back your memory to the Plantation of Ulster and the garrison that was placed there. Was it, I ask, desirable at this juncture to alienate the affections of that large body of the people of Ireland? I apprehend it was not. I grieve over it that this Bill should have been reserved for this time. It is a Bill of the most extraordinary kind. I have little love for the atomic theory, but I confess this Bill appears to me to be in itself a perfect realization of "the fortuitous concurrence" of intellectual atoms, being the joint production of Her Majesty's Government and the Liberation Society. I pass on to consider the next matter to which I wish to call your attention—namely, the charges which have been brought against the Irish Church. The Irish Church is not charged with irreligion, with immorality, with neglect of duty, with teaching false doctrine. Nothing of the kind. There is a general testimony borne to the excellence of her clergy, to the care with which they discharge their offices, to the fidelity of their ministrations. But the Irish Church is charged with this—and I confess rightly—that she has absorbed all the provision that was made for the religious worship and religious education of the entirety of the Irish people. That is the evil, I admit. I cannot try the Irish Church for things done 300 years ago; I will not be one to cast upon her the odium of those abominable laws which grew more out of political feeling—a notion of political necessity—than from religious animosity. To judge the matter fairly, you must carry yourselves back to the 16th or the beginning of the 17th century, and remark the feelings that then agitated Europe—the division of the whole body of the people into two great classes, Protestant and Catholic, struggling for superiority—the Protestants trying to reduce the Roman Catholics, wherever the Protestants were superior, to the condition of hewers of wood and drawers of water. They were deprived of all offices in the State; they were deprived of even the ordinary rights of parents over their children:—but all this was to be ascribed to the erroneous political principles of the time, and must not be fastened on the back of the Irish Church. That being so, I say the only indictment you can bring against the Irish Church is the indictment that not by her own exertions, but under the operation of the laws passed for her establishment, she has absorbed and now holds the provision made for the worship and religious education of the whole people. Undoubtedly that is a very serious charge. The remedy for that evil—in the view of all honest, able, humane men—is to make a re-distribution of that property, not to take it away. Is it not an absurd thing to say to the Irish Church—"You have arrogated, you have monopolized what was given for the teaching of the whole notion, and therefore we will take it all away, and we will not, as this profane Bill says, allow 1*s.* to be dedicated to the teaching of religion." I am glad to see that my noble Friend (Earl Granville) is pleased with that. I think that would be a very absurd thing and a very cruel thing to do. But such is the absurd logic of Her Majesty's Government. The Government charge the Irish Church with having monopolized the whole provision for the religious worship and teaching of the people, and therefore it is to be taken away, put into private pockets, and devoted to uses that possibly may produce political results. So much, my Lords, for the justice and morality of this measure. What I want you, my Lords, to do is this—to admit the justice of the case, but to express it in a different way. It is a very remarkable thing—but sometimes there are remarkable concourses—it is a most singular thing that Her Majesty's Government should have stumbled upon the enunciation of this very principle, and embodied it in the Preamble of the Bill. Now, what can be better than to repudiate the Preamble? For you will observe that the legislation within the ambit of a Bill really ought not to contradict the Preamble, which unfortunately is the case in this Bill. It was said some time ago that you should re-distribute the funds, and give to each of the religious denominations an appropriate part. But then, unfortunately, that does not seem to have been in harmony with the principles adopted by the Liberation Society, and the Liberation Society, therefore, wrote what follows the Preamble; but the Preamble remains as a monument of the better sense of justice of Her Majesty's Government. The Preamble begins by stating the expediency of dissolving the union between the two Churches, and then it proceeds to deal with the Church property, and then it goes on to enunciate principles which are governed by the words—"It is expedient." It is expedient that, after satisfying, as far as possible, upon principles of equality as between the several religious denominations in Ireland all just and equitable claims, the property of the Church should be applied to certain other purposes. Now, here we have three things. We get first the acknowledgment that there are in Ireland several religious denominations; we get further the acknowledgment that these religious denominations have separately just and equitable claims; and we then get the rule laid down that out of the property of the Church those just and equitable claims must first be satisfied before we proceed to the secularization of the rest of the property. Now, I beg your Lordships to consider what answer is to be given to the question, what are the just and equitable claims of a religious denomination? I suppose, my Lords, that the just and equitable claims of every religious denomination are that provision should be made for the ministers who have done their work. Undoubtedly that is a claim both just and equitable. I apprehend that another claim would be that their places of worship should be maintained for them. According to the principles of this Bill the just and equitable claims of the various denominations are to be first provided for. Observe, that this is not a claim confined to the Protestants belonging to the Irish Church, or to the Presbyterians; but it is a claim extending to all religious denominations, and is, according to the Preamble of the Bill, to be the first provided for. Now, I say that is just what I desire to do, and, I ask, will you accept that principle? Equal distribution is the only conclusion reconcilable with humanity and law.

My Lords, property given for the maintenance of religion—for religious worship and religious teaching—is, in the eye of the law, property given to a charitable trust; and whatever time may have elapsed, whatever improprieties may have been committed in the employment of the property, the law claims the right to restore the trust and property to its original uses. Now when tithes and other property of the like destination in the early ages were dedicated to Christianity, before the unhappy distinctions of Romanist and Protestant and Presbyterian were known, they were applicable, in the eye of the law, to the great purpose of teaching Christianity, and they are so applicable now; and all denominations are entitled on that principle, if you bring back the trust to the rules that should govern its administration, to participate in that property. I find in the Roman Catholics a right to a portion—the Protestant Church has a right to a portion, and the Presbyterians have a right to a portion, and I think that is the proper interpretation of the words of the Preamble—"the just and equitable claims" of the several religious denominations. Now I beg your Lordships to raise your thoughts above the mode in which you are in the habit of considering matters of this kind. We should regard the property of the Irish Church by this broad light, and by this light we should proceed with its distribution. Observe, my Lords, that this view of the matter has at least one merit—it strips the case of that which, although it is a distinction only in words, has given rise to a great part of the bigoted feeling which this Bill has raised. I do not make a new endowment of the Catholic Church. I simply recognize the original title of the Catholic Church to a portion of the property; I recognize the injustice of taking away from her that portion, and I proceed upon the principle of restitution, and not of new endowment. I have a conviction of the injustice which now exists, and I wish to remedy that injustice in a manner which would prevent the property being taken from those entitled to it and diverted to other and unworthy purposes. My voice may be but "as the voice of one crying in the wilderness," but, recollect, that voice was the voice of truth, which ultimately prevailed. I hope we shall deal with this property upon a recognition of the great claims on the part of the Roman Catholics to a portion, on the part of the Presbyterian Church to a portion, and on the part of the Protestant Church to a portion. It is said that the Roman Catholics will not accept endowment, and that, therefore, it is unnecessary to consider that point. Your Lordships will find an admirable answer to that objection in Sydney Smith's works. He recommends you to place a certain sum at the disposal of a Roman Catholic Bishop. If it were not accepted it was to be lodged at a banker's in the name of the clergyman, and then, he said, you will see how long the self-denying spirit of the clergyman will allow it to remain uncalled for. There is a great deal of truth in that humourous illustration. It seems to me also that there is a great deal of good sense in the proposal of concurrent endowment—which comes to us recommended by the opinions of the gravest statesmen and the most anxious patriots who have considered the subject. They all find that that is the system which justice requires and true policy recommends; and I think, also, that it is what humanity and wisdom dictate. Now, is it too late to try the experiment? Would it not be better than to give the money to lunatic asylums, which I cannot help thinking rather a reproach to Ireland? Has my noble Friend any particular regard for nurses, and their relation to the family; for that is another object of the Bill? Seriously, my Lords, I ask you to consider whether you will not even now take the advice of those who have counselled us from time to time in this matter, and parcel the loaves and fishes of the Church in due proportion among all who labour in the vineyard—regarding that vineyard not as your own little bit of ground, but as one united field of labour for all who minister in it, whatever their religious opinions and whatever their denomination. I have thrown this out for your consideration, because I believe such a system would be wholly conformable with justice and good policy. I have now only to call attention to the extraordinary manner in which Her Majesty's Government deals with the Church regarded as an established religion in Ireland. By the second provision of the Bill it is enacted that the union between the two Churches be dissolved, and that the State Church of Ireland, hereinafter referred to as the said Church, shall cease to be established in law. The said Church—it runs throughout—is by the Bill interpreted to be the Church of Ireland as she existed anterior to the Act of Union; and this Church of Ireland is to cease to be established in law. What will be the result? Her Bishops and Archbishops will be deprived of their ecclesiastical status, and are to be dissolved. What will happen after that operation it is exceedingly difficult to say. Dissolved! I can easily enter into the feelings of right rev. Prelates who have spoken on this subject. The relation of the Archbishop to the Church in Ireland depends in law upon his retaining his legal status, and his legal status is that of a corporation. When the Archbishop, therefore, is dissolved, and the Church is disestablished, the Archbishop will be one of that mob—I speak deferentially—to which the Church will be reduced by disestablishment. The Archbishop being dissolved—what may be the machinery for effecting that purpose I do not pretend to conjecture—he loses legally and ecclesiastically all relation whatever to the Church. His Province is gone also; that is dissolved. He and the Province become strangers. His relation to his suffragans is dissolved also. They may still hob and nob together, but ecclesiastically and legally they know each other no more. [Earl GRANVILLE: Look at Clause 13.] Such is the notion which the Government have of an Archbishop. He is to be dissolved; he is to be driven out of the House of Lords. But, as my noble Friend invites me, I turn now to Clause 13 and I find this—

> "Provided that every present Archbishop, Bishop, and Dean of the said Church shall during his life enjoy the same title and precedence as if this Act had not passed."

"Title and precedence!" Why, we are talking about ecclesiastical rights. This Bill cannot be understood by the authors of it. You permit the most rev. Prelate (the Archbishop of Armagh) to retain the name and with it the rank and precedence when he is invited to dinner; and so with all the eliminated Bishops. And that, says my noble Friend, amounts to a saving of ecclesiastical status! Otherwise all their ecclesiastical character will be gone. The incumbent will lose his character as such. The diocesan system will come to an end. The parochial system will come to an end. There is no spiritual relation that will be at all recognized between the Archbishop and his suffragans, between the Bishop and the diocesan clergy, between the incumbent and his parishioners; and no incumbent can claim the right of performing public worship in his own parish. My Lords, I now beg your attention to another matter. According to the unholy views of the framers of the Bill, from and after the 1st of January, 1871, unless there be some further enactment, no single marriage can be performed in Ireland between persons of the Protestant faith. I hope the Government will take this seriously to heart, because I have generally understood that the Irish people are given to marriage. As the Bill stands on this point it seems to open up as bad a prospect as when the printers of the Bible in former days converted, in a most important passage, a negative into an affirmative. My Lords, I have treated this subject rather jocularly, but, in truth, the Bill deserved it. The Government have received my remarks with great good humour, but the matter, after all, is really a most serious one. Now, the theory of the Bill is this—and it deserves all attention — It is intended to introduce into Ireland the voluntary principle. We have interwoven in our institutions and in our social habits the notion that the connection of religion with the State is right, and that its Establishment should not be in any manner whatsoever shaken. But we are by this measure thrown back on the voluntary principle, and it is sought by Her Majesty's Government to furnish a new constitution for the religion of Ireland in this extraordinary manner. Your Lordships are aware that both in this country and in Ireland there are rules of law which prohibit the Convocation of the clergy without the license of the Crown. The framers of this Bill have thought it sufficient to enact by the 19th section, that—

> "From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom, whereby the Archbishop, Bishops, clergy or laity of the said Church are prohibited from holding Assemblies, Synods, or Conventions, or electing representatives thereto for the purpose of making rules for the well-being and ordering of the said Church."

Now, the notion with which that section has been introduced into the Bill is quite clear. It was supposed that a Convocation could be summoned and Synods held, and that the Convocation and the Synod would be able to frame rules for the new Body of the disestablished Church. Unfortunately, however, for this supposition, the Convocation and the Synods can only been convened in connection with the Established Church. It is *ultra vires* for any Convocation or Synod to deal with any but an Established Church — that to which they appertain, of which they are a constituent part, and to the existence of which their own existence is due. Now comes the 20th section, which contains the words—"Subject to any alteration which may be made after the said first day of January, 1871," which refers not to any alteration which may be made by this Convocation or these Synods, but to any alteration whichmay be made after that date—so that the only body which can make any alteration is that very Convocation or Synod which will die a violent death on the 1st of January, 1871. This, I think, is a very serious matter and shows the importance of our considering the whole of the subject. But what follows is still worse. The framers of the Bill have evoked a Body to make orders and regulations for the well-being of the Church which Body will be laid out and composed for burial on the 1st of January, 1871. And what is this Body, I should like to know, to do, if it does anything? What is to be the consequence? Why, that the present Ecclesiastical Laws of Ireland and the present articles, rules, doctrines, discipline, and ordinances of the old Irish Church shall be deemed to be binding on its members for the time being, to the same extent and in the same manner as if each person had mutually contracted and agreed to abide by and observe those rules. The framers of the Bill imagined, innocently enough, that alterations would be made; but they did not provide for the case of no alterations being made. They cannot be—and what is the consequence? That the whole of the Church Establishment, and all its articles, doctrines, and ceremonies, which have just been put an end to by law, will be restored again, and made to rest upon the basis of contract. This Bill proposes to remove the Church, which is founded upon a rock, and to erect it again upon the sands, and to make all its hierarchy, doctrines, and ceremonies depend upon contract. But contract between whom? One of the mob—for such it must be considered after disestablishment — must contract with the others of the mob, and every single one of the whole community of the Church may for breach of such contract bring an action against the unfortunate man. This would be serious enough if we were dealing with racing or something of that kind; but we are dealing with a Church and its sacraments—most solemn things—and we are proposing to remove the Established Church of Ireland from its foundations of law, and to re-erect it again upon the footing of contract — the fact being that to place it upon any such foundation would be a mockery. There are many other portions of the Bill which, although they are not quite so ludicrous, still are, in my opinion, open to great objection. I do not know of any case of powers of so extensive, so unexampled, and so outrageous a character as the powers that are proposed to be given to the Commissioners. Now, it is well-known that in difficult cases the Judges frequently express thankfulness that their decision is not the final one, but that it is liable to be examined, and, perhaps, corrected, by a higher Court. But in this case there is no appeal from the Commissioners, except in the two cases provided for by the clause in reference to appeals; while the Commissioners are to have power to decide all questions whatsoever, whether of law or fact, which they may deem it necessary or expedient to decide. That includes every description of dispute that can arise; and I repeat that there has as yet been no example of such arbitrary powers being conferred upon any body as will be conferred on the Irish Church Commissioners. There are many other things that I should have been glad to have submitted to your Lordships, but I will not weary you further. Though I concur in the second reading of the Bill, because I look upon it as proposing, in the main, a great act of justice, it has yet been necessary for me to guard that concurrence from all the consequences that might legitimately arise from it by stating explicitly that, though I agree to the second reading, there is hardly any provision in the Bill that I concur in, except that humane provision—that benevolent rule—which by some accident has crept into the Bill.

The LORD CHANCELLOR: My Lords, it is a great satisfaction to me, after having heard the eloquent address of my noble and learned Friend (Lord Westbury), to find in the course of that address, in which he has denounced the motive of the Bill, in which he has denounced the principle of the Bill, and in which he has denounced nearly every clause of the Bill, there are still three points on which I can perfectly agree with him. The first point is that, like him, I shall support the second reading. The second point on which I wholly agree with him is that the verdict of the people of England should be a calm verdict, founded on the instruction they may receive and the best deliberation that they can give or have given to the subject. I believe that they have, during the course of the last autumn, received that instruction, in a manner no doubt not adequate to that which might have been afforded to them by my noble and learned Friend, if he had addressed to them his eloquent expositions on the matter; but still they have had the benefit of the clear exposition of Mr. Gladstone; and, whatever may be the faults of Mr. Bright, a want of clearness and of making himself understood by the people is not one of them. I do also agree with my noble and learned Friend that that kind of instruction is far better than the demonstrations of which we have lately had too much, and which some noble Lords have pointed at as the sign of a great re-action. And the third point in which I wholly agree with my noble and learned Friend is this—that I deeply regret with him that this measure of justice to Ireland should have been so long deferred. Accordingly, I am very thankful to recollect that exactly twenty years ago—in July, 1849—I had the satisfaction of supporting, in the House of Commons, a Motion for a Committee on the Irish Church. I expressed my opinion at that time that it should be disestablished and disendowed, and though believing it then to be, as now, impracticable, I also supported the system of concurrent endowment of the three religious bodies in Ireland. It was no fault of the party with which I was associated before I left the House of Commons that this matter was so long delayed. I mention this the rather because my noble Friend who moved the rejection of this Bill warned us carefully to think, and to reflect deeply before we took any step in so grave a matter. I can assure that noble Earl that I have reflected much, however weak my capacity may be for so doing, and, therefore, I do not approach with any consciousness of irreverent haste a subject so large, so solemn, and, I agree with my noble Friend in thinking, in some of its aspects so awful. I began to consider it some forty years ago—in 1829; and having had my attention directed to it when the Church Temporalities Act and other measures came before the House of Commons, I have found my conviction strengthened from month to month, that the only way in which justice can be done on this great question is simply by entire disestablishment and disendowment. I think it will be a relief to your Lordships to hear that I shall not follow my noble and learned Friend's example in dealing with the clauses of the Bill—not that I am unprepared for the observations he made. He has stated to you some points of law, and has asserted them with the confidence he is justly entitled to entertain. At the same time, I feel equal confidence in the contrary view that I have formed. But I will not now enter into any details of that description. I would rather approach this Bill on those great and general principles by which we must be guided on the second reading. It is not pleasant, my Lords, to find the Bill described as a Bill of spoliation, a Bill of sacrilege—for all these terms I have heard—as a Bill founded on fear, and, as a noble Duke, who so lately presided over Ireland (the Duke of Abercorn) said to-night—and I rejoice to think that he was the only one of your Lordships who used that language—as founded on the base notion of advancing party ends. I am glad in one sense that that sentiment is now cheered; I deeply grieve for it in another. I have always found it is not a good symptom of our own state of mind when we cannot conceive the action of an opponent to be directed by any but a bad motive. I will say no more on that subject, and I hope I shall say nothing in the address which I have to make to your Lordships that will give any such offence as that remark of the noble Duke has—I will confess it—most justly given to me and all connected with Her Majesty's Government. For, my Lords, I have had treasured in my heart for many years the sentiment expressed by one of the great saints of our English Church—Hooker—that "the time will come when one word spoken in charity will outweigh a whole volume written in disdainful sharpness of wit." I hope I shall adhere, through all I have to say, to this determination. Well, I am to consider is it sacrilegious — this dangerous, this fearful, this ill-timed Bill? and, perhaps, I ought to add, as the first approach to all these disadvantages, that which the right rev. Prelate ascribed to it the other night — its "undying hostility to the Protestant religion." ["Hear!"] And that too is cheered! Well, my Lords, I am a Protestant, and have always been a Protestant; and I am also Catholic, and have always been so. I adhere strictly, and have always adhered through my life, and I hope I shall to the end of it, to those principles which induced the great reformers of the Church to clear it of those abuses that may have accumulated around it. That being so, before I approach the general question of the principle of the Bill, there are one or two difficulties to clear away. There are two difficulties in the outset which, if well founded, would certainly prevent me from adhering for one moment to this Bill. One is the allegation that it is contrary to the Oath of the Sovereign. I think I need not dwell on that—it has been so fully answered. In the first place, it was answered admirably by my noble Friend the Master of the Rolls. It was answered very tersely by the right rev. Prelate (the Bishop of Peterborough), by whose eloquence the House has been so charmed; and it was also answered conclusively by the noble Marquess (the Marquess of Salisbury) who spoke from below the Gangway. I really should not have alluded to it further had it not been that the noble Earl (the Earl of Derby), who began the debate last night, seemed to think that there was something in the question—at which I was surprised—and that the noble Lord at the table (Lord Redesdale), consistently enough, persisted in his original view of the matter, and also spoke as if there was some difficulty arising from the Scotch Act of Union. I will only say of that Act, as of all Acts of this kind, that it rests on principles admitted by everyone —namely, that an oath is simply calling God to witness a solemn compact, which compact being dissolved by those who entered into it the oath has performed the whole of its functions. But the noble Lord at the table put this question — "What do you say to my proposition, that if I had taken that oath as a Member of your Lordships' House I could not possibly vote for this Bill?" To my mind it is an impossible supposition, for I do not believe that the English people would be guilty, as another nation has been, of the absurdity of calling upon the Legislature to take any such oath. How far the oaths taken by the French Legislature were successful in meeting the difficulties they were intended to deal with I leave to those who are acquainted with the history of that country to determine; but, as regards myself, I say that it is impossible that I should ever take an oath against legislative action, and as regards the English nation, it is impossible that they should have devised it. Therefore no fresh difficulty is presented to my mind by the noble Lord's asking me such a question. Further, we are told — and this is another difficulty which would have presented itself to my mind as insuperable—that we are committing sacrilege in dealing at all with the funds at the present moment devoted to what is called the National Church in Ireland. That subject was also admirably dealt with by the right rev. Prelate (the Bishop of St. David's), who spoke with such grave and statesmanlike wisdom in the course of this debate, and who illustrated the point by the example of St. Ambrose. But I think I can rest upon higher authority even than that. We are about to take that which has been devoted hitherto to teaching the religion of our Saviour. We would willingly—at least I would willingly—have it devoted, if it were practicable, to the teaching of that faith to the whole of the Irish people; but we find it impossible. And are there not other uses without committing sacrilege to which it may be devoted? There was One who was eyes to the blind, and feet to the lame; who went about healing the sick, and curing those who were paralytic, and restoring to their right reason those whose minds were distracted—and here I must remark that there has been an attempt to raise a foolish laugh because it is proposed to devote the funds to some of the like purposes—would He have regarded such uses as those to which we propose to apply this money as sacrilegious? Are we not following His example and treading in His footsteps in so applying funds which cannot be directly applied to the purposes for which they were first intended? The noble Duke who spoke from the Benches above me (the Duke of Rutland), and one or two other noble Lords, have condemned in very strong language our desire to appropriate this property to holy, and good, and charitable purposes, under the allegation that it was devoted to God; in other words, they say it is "Corban"—that has been said and has been answered long since; and I think that I need not trouble myself further with these two difficulties, which it might be supposed had not wholly escaped my attention, as, in fact, they were brought under my notice many years ago. We next come to the question of the Treaty of Union, on which, to my surprise, the noble Earl who commenced the debate last night (the Earl of Derby) insisted, and which was previously more fully expounded by the noble and learned Lord (Lord Chelmsford) who usually sits below the noble Earl. He said that there was formerly an Irish Parliament, and that it was dissolved on the faith of the Act of Union, and that that document contained clauses that were to be for ever binding upon us. The noble and learned Lord went on to say that that Parliament being deceased it was like a testator—for this was the very image the noble and learned Lord used — who had bequeathed property on conditions, and by whom you could no longer be released, since he was dead, and that therefore you must be bound for ever by the conditions which he had imposed by his will. Now, I, for one, do not regret the decease of that testator. I think that as regards the Irish Parliament, if we did not reflect a little sometimes on some of the modes by which its end was brought about, we might say that—

> "—— Nothing in its life
> Became it like the leaving it."

The Irish Parliament, no doubt, professed to be a National Parliament; but in point of fact it was just as much a National Parliament as the Church of Ireland is a National Church. Indeed, I think you cannot say that there can be — at all events out of Ireland — a National Church which is not the Church of the nation. That question of the Oath and that question of the Treaty both depend upon the same fallacy. They depend upon the fallacy of its being possible, under any circumstances, to bind future generations of men to a certain course of policy simply by the use of those two words "for ever." The noble Marquess (the Marquess of Salisbury) exposed that fallacy completely, and I will therefore not enter further into it, but will content myself by merely adding that these words "for ever" are very vain and presumptuous words to apply to any construction of man, whether material or moral. They are not words for man's use. They are worse than presumptuous — they are foolish, because they mislead those who can be misled; they entangle those who can be entangled by such cobwebs; and they prevent those reforms by which alone there is the slightest chance of anything in this world approximating to duration. The moment you cease to advance and say—"Here we will stand for ever," from that moment you begin to decay and to advance fast towards your ruin. Those who trust in the words "for ever," and who forbear, from timid superstition, to march on in the path of improvement which indicates the life both of nations and individuals, will find that there are two other words more sad which have composed the *Hic jacet* of many a noble institution — the words "too late." Well, having got rid of these difficulties, such as they are, let us approach the Bill itself. The principle of the Bill undoubtedly is, that property which was intended not for a single portion of the community alone, but for the whole, and which was intended always and at all times—though the original mode of attaining the object we must now regard as very absurd—for the general education and instruction in religion of the whole people of Ireland, and for the general administration to them of that which constitutes the comfort of those who belong to the Church, shall be taken from those few who now possess it. That was the intent from the beginning. I do not pause to inquire whether the Synod of Cashel decided anything about tithes, nor into any other subject connected with the origin of these funds. Whatever their origin, they were intended to be appropriated for the benefit, not of the few, but of the many. I have a witness to call with reference to this being a reasonable construction of the Acts relating to the Irish Church — a witness who is usually spoken of with a reverence in which I fully share — I mean Bishop Berkeley, who in his *Querist* puts these two questions—

> "Is it well to apply to the benefit of the few that which was intended for the benefit of the many? . . . Is it well to attempt to convert a nation without understanding the language in which they are to be addressed?"

He, like most of those who have been conversant with the subject, concluded that it never was nor could have been the intention to apply to a small section of the people those endowments upon which reliance was to be placed for the advancement in true religion of the whole. But this difficulty arose. You find that the Church Catholic in England reformed itself. It reformed itself, and admitted by common consent that process of reformation which ended in its separation from the Church of Rome; but that was not so much an act of our withdrawing from Rome as an act of Rome choosing to withdraw from us. That was the course of things in the Church of England. But in the Church in Ireland this never was the case. The Church in Ireland never accepted the Reformation; and on this point I differ entirely as to matter of fact from my noble and learned Friend who last addressed your Lordships. It had forced upon it a course of reformation which it never would adopt and which it never could be compelled to adopt. But mark the inference I draw from the strange course of compulsion which was followed. I maintain that every tyrannical act of Henry VIII. and of Elizabeth was founded upon this assumption—that the Church was and ought to be the Church of the nation, and that the nation ought, by at once adopting the form of worship which the Sovereign and the Parliament forced upon them, to introduce those changes which they themselves were indisposed to make. So much was that the case that the Acts of Parliament proceeded upon the principle of punishing by fine and imprisonment those who did not attend on the ministrations of the Church. It was therefore intended that the whole nation should be instructed, and it was intended, also, to bring them all to one mind by fines and imprisonment. It was hoped that, by the adoption of this course, all the nation would have the benefit of these endowments. Indeed, Henry VIII. passed his enactments for this specific purpose. Finding that he could not possibly get his measures passed through the medium of Archbishop Browne, of Dublin, who was his agent in Ireland, because the proctors of the clergy in Ireland had the privilege—which the proctors of the English clergy never possessed—of sitting and voting in the House of Commons, it was found absolutely necessary, in order to carry these measures into effect, that the free voice of the clergy should be stopped, and accordingly a statute was passed declaring that the proctors had no right of voting. Again, the Act of Uniformity was intended for the whole nation. But it was absurd to suppose that the Irish could be converted from their errors through the medium of pastors who were ignorant of the native language, and a clause was actually inserted in the Act directing that, in places where the people did not understand English, the services of the Church should be performed in Latin. I only mention this again to show that it was intended that the Church should be the Church of the people, and not the Church of a small minority. If I had spoken earlier in the debate I could have given you reports of Archbishops and Secretaries, continued from century to century down to the time of Queen Anne, as to the state and condition of the Irish Church and the consequences of that mode of proceeding. Nothing could be more frightful, from beginning to end, than the conduct which the English clergy, I am ashamed to say, took part in almost down to the time of the Union—although there was a visible improvement after the Revolution. Sir Henry Sydney reports to Queen Elizabeth that there was one diocese containing 218 churches, 100 of which were appropriated to secular uses, and those were not for the general benefit; that in the whole diocese there was not a single clergyman, but only what he was pleased to call "seven sorry curates." So things went on. The churches were utterly neglected, and, from time to time, fell into ruin. A Bishop of one diocese, who was also dean of Norwich, had never even seen the country; another, who was Bishop of Kilmore and Killala, two of the richest Irish sees, was also rector of Trim; and Sir John Davis, the Attorney General of that day, said—"there was not a sound heard of sermon or service throughout the two dioceses." That was the way in which the Irish were to be converted and persuaded, and, according to my noble and learned Friend, to be brought to acquiesce in the religion which it was thus attempted to force upon them. There can be no parallel found to this, except the atrocious Penal Laws with which it was again attempted to force the population of Ireland to acquiesce in the Reformation; those laws as to which even the right rev. Prelate who addressed your Lordships with so much eloquence the other evening said he was almost prepared to adopt the word "infernal" that had been applied to them; those laws by which a Roman Catholic was prohibited from exercising the profession of barrister or solicitor; by which a Roman Catholic father was reduced to the position of a tenant for life of the property of which he was the owner until his Protestant son came of age; and by which a younger son could deprive his elder brother of his estate by becoming a Protestant; those frightful laws were all the result of this vain attempt to force and coerce the people to adopt a religion to which the majority steadfastly remained adverse. But these scandalous laws were also an attempt at Protestant ascendancy, and Mr. Gladstone, I believe, was fully justified in attributing their origin to a desire to uphold and maintain this ascendancy. Any person who examines fairly the history of Ireland cannot fail to come to that conclusion. It was said, I think, by the right rev. Prelate, that the Church and the clergy of Ireland were very tolerant in themselves, but were compelled by England to adopt these laws; and the noble Marquess who spoke from the other end of the House (the Marquess of Salisbury) said something to the same effect when he referred to Poyning's Act, and said that the Irish Parliament were compelled by the English to adopt those proceedings. But, my Lords, I am sorry to say that a table has been published in a pamphlet (Dr. Brady's) which gives you an account of every meeting of the Irish House of Peers from the Revolution to the Union—and it was during that time that these abominable laws were passed. The table tells us when the Spiritual Peers were in a majority, and this was frequently the case, and in no instance were they ever less than one-third of the Peers present. I am sorry, therefore, I cannot admit that the Church of Ireland did not take part in these proceedings. I promised that I would not enter into any historical details that would weary the House, but there is one passage which I wish to read to the House, because it contains sentiments worthy of the man who uttered them. Archbishop King, in a charge which he delivered to his clergy, in 1720, says—

> "If one would observe the state of religion in this kingdom in our own time—that is, since the restoration of the Royal Family—perhaps it will

appear that the Church never gained more true friends than when the civil power gave her doctrine and worship the least encouragement, nor lost more the affections and hearts of her people than when seeming most encouraged."

And I believe that that is the true exposition of all the evil which has resulted from an attempt to force and encourage, by State protection, the religion of the minority, and to assert thereby a supremacy which never could have been asserted without the aid of the State; and the loss of which aid, which, when the State has been least inclined to foster and encourage it, has enabled the Church to win the hearts and affections of the people. I should be most sorry, undoubtedly, to say that at this day the clergymen of Ireland are all men of the stamp and character of those I have described as existing at the earlier periods of the Church. On the contrary, I think they have acted in the noblest manner, and that they have endeavoured, after centuries of misrule and oppression, to secure for themselves a place in the hearts of the people. But they have been very late in beginning. I am old enough to remember the time when Irish Deans and Bishops were more likely to be met with at Bath and Cheltenham than in Ireland. It is only within the last forty years that any serious change has taken place. And now, my Lords, I maintain that if this Bill is accepted in the spirit in which I say it was framed, then I do see a new epoch for the Church—a time in which she may really venture to hope to make some conquest over that mass of what we regard as Roman Catholic error, which she has failed to do during the long period she has been supported by the State. And thus I come to the question whether the Church has a right to continuance in respect of the work she has done? I have, I hope, proved that in respect of these endowments it was the intention that the nation should be instructed. Has that duty been done? Has she not in this failed utterly? Has the Protestant proportion to the population increased during the last three centuries? Scarcely a whit. We have heard from one right rev. Prelate (the Bishop of Tuam) of the progress made in certain parts of his diocese. But this argument can be used in reference to all countries. Has the general character, however, been changed one jot? You have still only 700,000 Episcopalians in a population of 4,500,000. But surely this was not the purpose for which the Church was established, and surely, therefore, her purpose has not been fulfilled. It is, however, said—"You propose to destroy the Church—which I contend cannot be destroyed by any human means—to ruin the Protestant religion. You have an undying hostility to it. That is manifested in every page of the Bill; by your leaving us to our own resources, at the end of thirteen or fourteen years, and calling on us to do what is done in every colony of the British Empire." I have been dismayed—I can say nothing less, being a man earnestly devoted to the Church—I have been dismayed at hearing several of the right rev. Prelates saying—"The Church is lost if you disestablish it. We cannot compete with Rome. See all her advantages; see what influence she has over the people. We cannot attain that." It is miserable—is it not—to hear that said? If I believed it I could only reply—"If the Church of England, as established in Ireland, has become so degenerate by this fostering and protection—as it is called, but which is simply destruction—the more heartily do I concur in this measure." We heard nothing of that kind from the right rev. Prelate (the Bishop of Lichfield) who preceded my noble and learned Friend. Look at what he has done in his see! See how his own colonial bishopric has branched out; see all that has been accomplished by his energy and zeal. I wish, with all my heart, that he were to be at the head of the Church Body which is to be formed in Ireland, and, knowing his energy, I have little doubt of what the result would be. It is my delight and my joy, with regard to the Church of England, that her words are heard in all lands—that her words have gone out to the end of the world. We have heard of the boast which used to be made by the monarchs of Spain—that the sun never set on their dominions. Queen Victoria has a still higher glory, for there is not one hour of the twenty-four in which the Lord's Prayer is not offered up in the English tongue on some part of the globe. Has that been done by Establishments—has that been done by endowments? I was grieved, my Lords, to perceive that the most rev. Primate, who delivered so admirable an address on the first night of the debate, seemed to share to some extent in this despair. Surely when he spoke of the voluntary system as being every where a failure, he must have forgotten what has been done by himself and his predecessor, through voluntary contributions, for the erection of churches and increase of spiritual instruction throughout this metropolis. They, by voluntary exertions, raised sums of vast magnitude and erected many churches. I know other Prelates who have done the same. The voluntary system in connection with the Established Church of England has sent Bishops to every quarter of the world. It has sent forty or fifty Bishops to the colonies; it has erected very many churches and numerous schools. Everywhere at home and abroad she has enlarged her bounds. The noble Earl (the Earl of Derby) told us last night that the Roman Catholic priest forced contributions out of the laity by spiritual force, and that therefore the Protestant minister could not cope with him. What a way of talking that is! Some may regard the Irish Roman Catholic as a machine, but I look upon him as a man, and I say that, if the priest is able to do what the noble Earl says, the people must of their own will submit to it. If the priest can raise these funds without an Establishment, is it not a shame for us of the Reformed Church to say—"We have been sustained by State funds for 300 years; but leave us unsupported, and in a very short time you will find that we are not able to do what the Roman Catholic priests do—sustain and uphold our position?" My Lords, I do not believe in such a result. I do not believe that our Church depends upon any endowment; and I do believe that the provisions contained in the Bill will be found amply sufficient to enable the Church to continue her work of great usefulness; but I also believe that the success of a Church in any quarter of the world must depend on the activity, energy, and zeal of its ministers. A Church which retained its hold upon the affections of its people might indeed be disestablished and disendowed—but its destruction cannot be accomplished in any other way than by losing those affections. The question has been raised how far we have any right to deal with the funds of the Irish Church in the way proposed—namely, by handing them over for charitable purposes. Now, my Lords, if you find property given for the religious instruction of a nation, but that the nation cannot agree as to the mode in which that instruction is to be given, you must take some means of disposing of that property for purposes as nearly as possible analogous to that for which it was originally intended. I believe that proposition is just beyond dispute. But then it is said—"You not only risk the Establishment in England, but you risk the institutions of property altogether." I do not see how such a position can be seriously maintained. The right rev. Prelate (the Bishop of Peterborough) said that property was no doubt different when held by individuals from what it was when held by corporations. So far I am thankful to him for having made that admission; but it is no more than I had a right to expect from the logical manner in which he conducted his argument. I do not, however, find that that admission was made, on a former occasion, by my noble and learned Friend who sits on my left (Lord Cairns). He said—

> "Thus, my Lords, this property is given to a corporation sole, not to the whole Church as a body, but to the individual corporations formed of the Archbishops, the Bishops, clergy, and deans and chapters; and," he added, "when James I. made a grant of the glebes of Ulster, it was to the incumbent and his successors in free alms—that is, subject to certain duties to be performed; and the tenure is the same as that by which your Lordships hold your estates, namely, that of fee-simple."

No doubt that is the case in a certain sense; so far as both are tenures sanctioned by the law. But if the noble Lord meant by that statement that your Lordships hold your estates on exactly the same tenure as the glebes of Ulster are held, I differ from him entirely; because the latter are held subject to the performance of certain duties which, if not performed, would become the subject of proceedings in the Ecclesiastical Courts, while your Lordships hold your estates under no such conditions. But further than that, the Ulster glebes are corporate property in the sense in which Hallam uses that term. In drawing a distinction between the Constitutional Law and the Municipal Law, and in considering this question as a question of Constitutional Law, he says that, although corporate property is held by exactly the same title as that of individuals, yet the difference in dealing with it is this—that by long habit men have acquired not only the right to transmit to their descendants the property which they possess, but the further right of transmitting it by will; while a corporation has no such rights; it continually exists for the purposes for which it was formed, and when these purposes cease the corporation legitimately comes to an end. That is Mr. Hallam's doctrine, and I accede to it fully. I admit that there is a line tacked to the end of that paragraph, which has been quoted against the view of the Government, and as limiting the application of what I have read to corporate property to which there is no expectation of succession, and as therefore taking the case of the curates of the Irish Establishment out of the question. The general principle, however, is clear, and every constitutional lawyer will tell you that you are at liberty to deal with corporate property upon a very different footing from that upon which you can deal with private property. And even under ordinary law the same difference arises between the two classes of property. Thus, if you find any property devoted to a charitable use, and the purpose of that use cannot be fulfilled, whether by original defect in the grant or from the expiration of time, so that the uses have come to an end, in either case the Court of Chancery has power to deal with the property. And very strangely it has dealt with it. In Lord Hardwicke's time, a Jewish testator disposed of his property for the education of Jewish children, and that being an unlawful use, Lord Hardwicke devoted it to the purposes of a foundling hospital. But in Parliament we rise higher than the Court of Chancery in this matter. We come here to enact a measure which is required by the great exigencies of the whole country, and it will not do to tell us that if we were in the Court of Chancery we should be met with the remark that we have still 700,000 members of the corporation left, and that, therefore, we must go on applying the property as before. If that view were to be admitted, it would not much matter, as was observed by the right rev. Prelate, who felt how impossible it would be to maintain the position, whether the number of beneficiaries was 700,000, 700, or seventy. It is impossible that such a proposition could be supported for a moment in such a case as the present. When you come to a class of property inadequately effecting the purposes for which it is intended, the Legislature has, on every occasion, dealt with it. I will venture, my Lords, to answer the question which the noble Lord (Lord Redesdale) put to us in the early part of the discussion—namely, what instances could be given of any Parliamentary dealing with corporate property. Now, my Lords, I will not go back to the reign of Henry VIII., because I do not much admire the way in which that Sovereign dealt with corporate property; and, besides, if we come to treat of tithes, the taking of which the same noble Lord specially referred to as sacrilege, quoting the Prophet Malachi for his purpose, I am afraid there are many of your Lordships who take a beneficial interest in property which formerly came under that denomination. My ancestors do not mount up to that period of time which would enable me to partake of the bounty of that Monarch, but I believe there are many noble Lords now in this House who still enjoy the fruits of his liberality. But, my Lord, without going so far back into history, I may say, in the first place, that Parliament has dealt, and dealt very largely, with the Universities. You have applied their property in a very different way from what was its original destination. You have dealt with ecclesiastical property, and you have dealt with it very largely, handing over to the Ecclesiastical Commissioners large masses of property which were formerly held by the deans and chapters. And you have done more than that, for you have applied to Lancashire and to Yorkshire funds of which the districts where these deans and canons resided, including Westminster, formerly had the sole benefit. What have you done in the case of the municipal corporations? Why, until the Municipal Corporations Act was passed, every corporation was at liberty to deal with its property as it pleased, provided it did not actually put it into the pockets of the individual corporations. By some it was spent in dinners; the Liverpool Corporation applied large sums in payment of the clergy, which was a much better use of it. You passed the Corporations Act, and by it you prevented them from dealing with their own property. The

Liverpool Corporation, anticipating what would happen, endeavoured to make away with £180,000 of their property in endowing churches in Liverpool; but this was contrary to the provisions of the Act, and though the Act was not in force, but only in contemplation when that was done, such an employment of the money, which might have been made without question if the Corporations Act had not been in progress, was held to be a fraud upon the Act, and they were compelled to refund. Property, therefore, which they might have dealt with only a week before was taken from them and applied to a different, but still very useful purpose. Now, what do we do in this case? By the measure now under consideration we take away from the particular body property which is corporation property, and we do not put it into any persons' pockets whatever, but we apply it to useful general purposes, and to purposes which the public will accept, instead of those to which, unfortunately, they cannot be prevailed upon to consent. I apprehend, under that state of circumstances, that I have shown the Bill to be a just Bill, and being just, that it is also politic—assuming that it is desired; for a just thing may be impolitic if you cannot get the feeling of mankind to go with you. The only remaining point, then, is this—Is the verdict of the country in favour of this Bill? If there be one thing more surprising than another, it is the various attempts which have been made to negative that verdict; and yet I think there is hardly any question less capable of being argued as to disestablishment primarily, still less as to disendowment. Why, at the time of the General Election the country was keenly alive to all that had been going on in the late Parliament with reference to the Suspensory Bill; its attention was directed to all the arguments that had been adduced on one side and on the other, and the people having been lately intrusted with an extended franchise were all the more likely to be alive to their newly acquired power, especially when it was said, both in this House and in the other—"We have referred this subject to the verdict of the country, and by that we will abide." By that declaration we, upon this side of the House, certainly understood that noble Lords opposite would be bound; but we are now told that what was meant was —"If the verdict is against us, we shall resign and cease to be Ministers." Of course when that statement is made we cannot do otherwise than accept the view which is put before us. But the statement, I think, must really have meant more than noble Lords at present are disposed to imagine. To say that you will go to the country upon certain propositions; to discuss them in Parliament, upon the hustings, and at public meetings; to instruct your constituents in every way with regard to them;—and then when you are returned, with a large majority against you, to assert that you simply expressed your willingness to resign, is, it seems to me, placing a limited construction upon the terms which you yourselves employed. As to disestablishment, it has been admitted by almost every speaker that the country pronounced fully upon that point. One word as to disendowment. The right rev. Prelate (the Bishop of Peterborough) of whom I have already spoken, does conceive that the verdict pronounced was only partial—that the question of glebe lands and others was not considered by the country. All these hereafter will form the subject of discussion; but as to the great and general question, whether it is right that this Church property should be longer applied to its present limited uses, instead of for the benefit of the whole country, he admitted distinctly that the national verdict had been fully and clearly pronounced—that is to say, upon the proposition of disendowment. If that be so, what have we to bring forward in support of the second reading of the Bill. We have first the existence of injustice which cannot be denied; we have next the verdict of the country in favour of the course that we proposed; being, therefore, both just and desired by the people, the measure is also politic. A question might arise—I simply glance at it—assuming the measure to be as I have described, how far it is right and proper that it should be brought forward at this time, and why it should have been so long delayed. It has been delayed because of the difficulty of getting the people of Ireland, or the great majority of them, to agree upon the mode of disposing of the proceeds. The last and only remaining point, and the question now before your

Lordships, is this—whether or not you will assent to the second reading. I told you I would not say a word upon the clauses. I do not think it reasonable that the House should be wearied with the discussion of clauses, except so far as may be necessary to indicate those clauses, which by providing for disestablishment and disendowment embody the whole principle of the Bill. It then remains for you to say whether — the country having thus pronounced its verdict, and this Bill having been sent up to you by a majority larger, I believe, than ever supported so vast a change—you will or will not give to it that calm consideration and revision which a discusssion of the clauses will enable you to do, or whether you will—almost I must add, contemptuously—reject the measure? I do not believe that you will contemptuously reject it. But I did not hear from the noble Earl (the Earl of Derby) what from his great experience in political matters and the position he has so frequently held at the head of the Government, I should especially like to have heard—what it is that he would propose to do if he were still holding the helm, what he would propose to do with reference to the Irish Church and to the future after this Bill shall have been rejected? Does he suppose that the Church can stand in its present position? I hold not; first, because of the appointment of the Royal Commission of Inquiry; and next, because of the distinct declaration of the present Viceroy of India in favour of the process of levelling up. It seems, therefore, that he would not have left matters as they are. But if a change is to come, surely that is a sufficient reason for reading the Bill a second time, whatever view the House may be disposed to take of the clauses. I assume also that the noble Earl would not be prepared to recommend the rejection of a Bill supported by so large a majority "elsewhere," unless he knew the course which he would be prepared to follow in the event of its rejection. I heard not a word from him on that point; I heard very little indeed from anybody of what was to be done if the Bill were thrown out. I should be very glad to be informed upon that point; and, further, I should like to know what noble Lords imagine would be the effect of throwing out the Bill without any such declaration as to the future. I hope that your Lordships will agree to the second reading. I am certain you will not be influenced by fear or intimidation—but I will not talk of that—I think, indeed, we have had rather too much talk of it already. You will neither be coerced by fear to do that which you choose not to do, nor, as has been already said, will you be actuated by the scarcely less base fear of being thought afraid. But there are certain kinds of fear which may influence you, and justly influence you, as I believe they will do, in the consideration of this question. You will, I am sure, fear to do a discourtesy; you will fear to affront without any object except to affront; you will fear to commit injustice, which you may do if, having no definite policy, you will not consider the provisions of a Bill which at least attempts a policy. And therefore I hope that, under the influence of those feelings, your Lordships will be induced to give this measure a second reading, and, that once being done, that you will come to consider its clauses deliberately and calmly in Committee, and that with such Amendments and improvements as in your wisdom you may introduce, you will be able to produce a Bill which will be satisfactory in this respect at least—that it will show to all concerned in it that all parties in the State desire to bring about a better feeling and a happier union in a distracted country. You heard, my Lords, a touching narration from the right rev. Prelate (the Bishop of Lichfield) of what occurred to himself in New Zealand, where an Irish Roman Catholic offered to a member of the Church of England the shelter of his tent, remarking, after the offer had been accepted, "What would be said if this were seen in Ireland?" The right rev. Prelate drew from that a conclusion which, with his logical mind, appeared to me to be a singular one—namely, that there was no harm in Establishment and no heartburning arising from it. The anecdote itself seemed to me to supply the answer to that. The circumstances occurred in New Zealand, where there is no religious Establishment, and the remark of the man was that nobody would believe it in Ireland—a country where there is such an Establishment. I trust, my Lords, that with the aid of Bishops and clergy of the right rev. Prelate's own temper and spirit in Ireland, after this Bill passes, we may attain there the happy end that he desires—the end of men of different creeds living in peace, in love, and in charity together; and I see nothing in this measure to prevent, but much that is calculated to promote, that result.

Lord CAIRNS: My Lords, as I gather that there is a general desire on the part of your Lordships that this debate should terminate to-night. I feel that, even at the risk of interposing between other Members of your Lordships' House who may desire to take part in the discussion, it would be improper for me to allow it to close without venturing to offer to your Lordships some observations on the great question which we have to decide. My Lords, there are at least two very good reasons why I should endeavour to compress, within the smallest compass that the case admits of, those observations. In the first place, my Lords, by your favour and forbearance, I was permitted last year at great, and I fear inconvenient, length to address you on a subject then under consideration, which was to a great extent cognate to the present. My Lords, the second reason is the exhaustive character of the present debate. The noble Earl the President of the Council in addressing your Lordships the other night said he felt great difficulty in following a speech such as had been delivered immediately before by the right rev. Prelate who presides over the diocese of Peterborough. Your Lordships will remember the effect which that speech had on this House—a speech remarkable not only for the splendour of its eloquence and the brilliancy of its thought, but also for the deep and broad current of reasoning and reflection which under-ran the whole. My Lords, if the noble Earl found it difficult to follow that speech in the character of a respondent, I can also assure your Lordships that every person on this side of the House who has attempted to follow it and pursue the same line of argument has felt the difficulty which it was natural to experience—lest by touching again on those topics which the right rev. Prelate had touched harm and not benefit might be done to his cause.

My Lords, in order to make the best use of the time that remains, I would venture, in the first place, to put aside such subjects as have been frequently referred to, and on which I propose to detain your Lordships for but a few moments. I will refer first to the Coronation Oath. I have often had occasion to address your Lordships and the other House of Parliament on the subject of the Irish Church, but upon no occasion has any word upon the interpretation of the Coronation Oath ever fallen from me. My Lords, I should pursue the same course at the present time but for one consideration—that the arguments which have been advanced in relation to that Oath necessarily touch feelings and interests which are not represented in either House of Parliament; and I think it is the bounden duty of both those who support and of those who oppose this measure to state frankly and fairly what their opinion on that subject is. My Lords, much as I dislike this measure, I entirely refuse to base my opposition to it upon arguments that do not satisfy my own mind. And I have never been able to satisfy my mind that the object or the meaning of the Coronation Oath was such that, if any measure of public legislation should be presented to the Sovereign by the two Houses of Parliament, the Sovereign was bound by that Oath to refuse assent to the measure. And, my Lords, even if there were any doubt on that subject, remembering as I do that the whole contents of the Oath are over-ridden by the preliminary words, "to the utmost of my power"—I have never been able to see how, under a constitutional government, when the time has arrived at which, following constitutional precedents, the Sovereign is unable any longer to restrain the progress of a measure—I have never been able to understand how, with those words at the commencement of the Oath, the Oath continued any longer to have any operation, such as has been contended for.

My Lords, I pass from that and come to some other arguments which have been very frequently used in this debate. The charges made against the Irish Church have been these—that it is a badge of conquest—that it does not fulfil its mission—that it is a wicked thing, because it had taken a great part 150 or 200 years ago in the passing of some penal statutes in Ireland. Now, these are arguments which ought to be considered; but I own they always have appeared to me to bear a very strong resemblance to some other arguments which your Lordships, perhaps, remember were used in a fable which is, I think, more frequently read by persons less advanced in life than your Lordships are. Your Lordships recollect that when the wolf conceived the time had arrived for the destruction — perhaps I ought to say the disestablishment — of the lamb, he conducted his proceedings to that end in a highly argumentative manner. He stated several reasons why the lamb ought to be destroyed. The lamb also took part in that discussion; and, as well, as I remember, it has generally been considered that the lamb had upon all the points decidedly the best of the argument. But, my Lords, notwithstanding, the conclusion was a foregone one, and the arguments of the lamb were of no avail. Now, I own it always appeared to me that the three arguments to which I have referred were very much like arguments invented by those who had, in the first instance, arrived at the conclusion they sought to attain. Let us take the first—the Church is a badge of conquest. Now, I want to know what conquest. When was Ireland conquered? Was Ireland conquered as a Roman Catholic country by England as a Protestant country? Ireland was conquered three centuries and a-half before the Reformation. How did it come to be conquered? It was conquered because the Pope of that time requested Henry II. to undertake the conquest, to carry, as he said, the true Christian faith to those barbarous and unhappy tribes. Accordingly the conquest was undertaken and accomplished. What was the result of the conquest? The first introduction of Romanism into Ireland was the result of that conquest. From that time to the Reformation was Ireland in a state of happiness, repose, and harmony among all classes of its inhabitants? We know exactly the contrary. There was no period in the history of Ireland when disorders, anarchy, and bloodshed, bitter animosity, and hostility prevailed to a greater extent. I will simply remind you what a Roman Catholic historian has told us about it. Mr. Moore says—

> "At the period when all were of one faith, the Church of the Government and the Church of the people of Ireland were almost as much separated from each other by difference in race, language, political feeling, and even ecclesiastical discipline, as they have been at any period since by difference of creed. Disheartening as may be some of the conclusions deducible from this fact, it clearly shows that the establishment of the Reformed Church in that kingdom was not the first or sole cause of the bitter hostility between the two races."

That shows clearly that the establishment of the Reformed Church in that kingdom was not the first or sole cause of that bitter hostility between the two races. Well, my Lords, if the Reformed Church in Ireland can in no way be said to be a badge of conquest, I ask are there no badges of conquest in Ireland? Perhaps it might be said to be a badge of conquest that Ireland is ruled over by the Sovereign of this country. It might be said to be a badge of conquest that a very large portion of the land of Ireland is owned by Englishmen, many of them resident in this country. It might be said to be a badge of conquest that Ireland is united with England in taxation, and that the Legislature of Ireland sits in England. But I want to know, are you going to teach the people of Ireland that your principle is that everything that is a badge of conquest is to be removed—are you going to encourage in their minds the view that those other badges, which are real, historical, and tangible, are going to be put out of their way? Well, then, what is the next argument against the Church? The Church has failed in its mission. My Lords, we have had in these days a favourite phrase, which comes, I believe, from the *officina* of the Education Committee of the Privy Council — I mean "payment by results." Now, payment by results is a very good thing in the matter of education, because I believe that a certain amount of care and attention on the part of the schoolmaster may induce that degree of education in what are termed "the three R's" which will enable the payment to be made according to results. But, my Lords, I entirely disavow the principle of payment by results when you come to deal with a question of the effect of the message of religious truth upon the mind and heart of man. My noble and learned Friend on the Woolsack has just reminded us of one circumstance which, indeed, might be held to have had considerable effect on the mission, and the results of the mission, of the Church in Ireland. He reminded us that one of the earliest Acts of the time of Queen Elizabeth was an

Act for which the Church of Ireland was not responsible, but for which the Government of England was responsible. That Act provided that, for the spread of religious truth, the people of Ireland should be taught by the Church in the language of England, and if they did not understand — if they did not like —the language of England, they should be taught in the Latin language. That was not the act of the Church, but of the Government of England, for which they were responsible, not the Church, and it may well have had a considerable effect on the mission of the Church both at that time and long afterwards. But what is the mission of the Church in Ireland? I apprehend that the mission of the Church, especially when planted in the midst of ignorance and vice is this—to carry the message of the truths of Christianity to those who will receive it, and to hold it forth as a testimony against those who decline to receive it. And, that being so, I ask, has the mission of the Church in Ireland failed? The Secretary of State referred to the Census in Ireland. I will not cite figures upon that point; but I will say that I feel surprised that the noble Earl, after all that has been said in reference to the calculations of Sir William Petty, should again refer to them, when Mr. Hallam himself says they are so "prodigiously vague" that no reliance can be placed on them. I do not place much importance on those figures, but, taking them for what they are worth, what do they amount to? He says that at the remote time of which he is speaking the number of the Protestant population was 100,000, and of the Roman Catholic 1,100,000, being a proportion of 1 to 11. Assuming these figures to be true — which I very much doubt — let us compare them with the present state of things. At present we find that the members of the Church alone are 700,000, and if that number be multiplied by 11, there would result a population of more than 7,500,000, whereas the whole of the population is less than 6,000,000. Therefore, we find that there is a considerable relative increase among the Protestants. But, I go further than that. The noble Lord referred to emigration, and he said that the Roman Catholic population had very much decreased by emigration. That is true; but if you refer to anyone who has studied the statistics of emigration, and who knows the condition of Ireland, you will find that emigration has gone on in a much greater degree among the Protestants than among the Roman Catholics. And for this reason — whenever the time arrives that emigration increases to a great extent, the Protestants, having most money and most energy, are the first to emigrate, and they emigrate in great numbers. I hold that if any person were to bring against the Church of England in this country that it had failed in its mission, such accusation would be without foundation; but I ask you to test the matter by the principle which my noble and learned Friend on the Woolsack applies to the case of Ireland. You find at the time of the Reformation in England that the whole of the English people were substantially members of the Reformed Church. The Reformed Church had everything in its favour, it had no prejudices to contend with, and the Bible and the Prayer Book were in the English tongue; and yet now we are obliged to confess that a large portion of the population — some say one-third and some say one-half—do not belong to that Church, but have gone off into Dissent. Therefore, we should be careful before we adopt the principle of penal legislation against the Church in Ireland, on the allegation that it has failed in its mission. But it is said that, at all events, the Church of Ireland has done very wicked things because it concurred in those Penal Laws which were passed some 200 years ago. My noble and learned Friend on the Woolsack I am afraid derived most of his facts from a pamphlet which is generally considered not very fair or accurate. I have not time to examine them now; but I will assume that there is some foundation for the fact which my noble and learned Friend so readily adopted against the Irish Church. Now, I want to know what is the principle on which you are going to deal with the Irish Church of the present day? Are you going to bring in a Bill of Pains and Penalties against the Irish Church for pains and penalties inflicted by it 200 years ago? But I go further, and I ask, was the Irish Church answerable for the Penal Laws? I detest those laws as much as any one, but what are the facts? In the 100 or 150 years during which those laws were being passed, there was a Pretender to the Throne of this Kingdom, and the principle on which the penal legislation proceeded was that there was sympathy with the Pretender on the part of the Roman Catholic body; and if you read the history of Ireland, you will find that the object of those laws was by no means so much for the purpose of obtaining—as my noble and learned Friend says — conversions to Protestantism, as to insure the political object of keeping down that organization which was supposed to be favourable to the claims of the Pretender. Well, but more than that, is not really the substance of the charge that you make on this score against the Irish Church no more than this — that the Irish Church was not, 150 years ago, in advance both of England and all the rest of the world? Now, it is a very curious thing how people change in their opinions, and how they advance in the views that they take of matters of this kind. I find that the noble Earl (Earl Russell) who addressed us to-night, and who also referred to this penal legislation, expressed the strongest condemnation of it, and attributed, I think, some blame to the Church for a share in it. Well, but I find that the noble Earl himself, in the year 1823, in the first edition of his work on the *Constitution of England,* when speaking of that penal legislation, after describing what it was, says—"Whether the precautions adopted by Parliament were wise," he did not then think they were adopted by the Church —"I will not decide, but I am clearly of opinion that they were just." The noble Earl, however, has grown with the age in enlightenment. I have no doubt he will forgive me for suggesting it—the noble Earl, if he had lived—which I am very glad he did not—150 years ago, would have been one of the first to act along with the Parliament of which he speaks; but, in the years that have elapsed between 1823 and 1865, the noble Earl thought that some change ought to be made in his view with regard to this legislation; and in the edition of his book published in 1865, the passage runs thus—"Whether the precautions adopted were wise I do not affirm, but I cannot deny that they were the result of many injuries." Now, that is exactly the sort of change which lapse of years and progress make. We now look back to that penal legislation—and very justly so—with horror, and we feel that such laws could not possibly be enacted now. But is it too much to say that the Irish Church is to be condemned because 150 years ago she did know or see that which no statesman in Ireland or England knew or saw at that time?

My Lords, passing by these arguments, I come to the arguments founded on justice and policy; and the first thing necessary is to understand what it is the Bill does which is said to be just and politic. The first question is that of disestablishment. The Bill proposes to do that which has never before been done in this country—to sever the Church from the State. That union has been maintained in this country since the kingdom was a kingdom—in one form in Scotland, in another form in England and Ireland. There is no time now to argue at any length the question of Establishments; but, as rather less has been said on that subject in the course of debate than I think might have been desired, I shall venture to express very shortly the strong opinion which I entertain respecting it. It is one of the few points on which I cannot altogether agree with the right rev. Prelate (the Bishop of Peterborough). My Lords, I think the question of disestablishment—the severance of the union of Church and State—is an extremely important question. Of the two I am not sure that it is not quite as important as the question of disendowment. I hold, in the first place, that the connection between Church and State is a politic thing. I believe it is our best security for religious freedom. I believe that in a wise provision — that the laws of the Church should be the laws of the State, and the laws of the State should be the laws of the Church, consists the only security for a minority, for the security is the same—the security of the law—which every man in the country has with regard to his liberty and his property, and that security is effected through the medium of the supremacy of the Crown, through that provision in our Constitution which makes the Queen supreme in causes ecclesiastical, and brings directly under the decision of Judges appointed by her the causes which may arise, and which are included within that jurisdiction. I mention this now, not for the purpose of pursuing the subject, but merely that I may advert to an observation made upon it by the noble Earl the Secretary of State. He is under the impression that the supremacy of the Crown is preserved by this Bill. I venture to say that, as far as I can understand anything about it, that is an entire mistake. The supremacy of the Crown in Ireland is at an end if this Bill passes. The noble Earl has adopted the view which has become fashionable within the last six weeks, but never was heard of in the country before—that because, forsooth, a civil court, through the medium of the execution of a trust, may take notice of the private regulations of a religious body; therefore, all religious bodies by that circumstance, because they may bring their causes into a civil court, are under the supremacy of the Crown. Now that is not the supremacy of the Crown in any sense or in any form. The supremacy of the Crown is expressed by the phrase that the Queen is supreme in causes ecclesiastical as well as civil. The meaning of that again was not to declare the truism that the Queen was supreme in causes civil, for no person doubted that; but the object was to declare that the Queen was supreme in causes ecclesiastical in the same way, and to the same extent, as she was supreme in causes civil. That is the true expression of the Queen's supremacy, and that this supremacy comes to an end with the passing of the Bill needs no more to establish it than this simple statement—that after the passing of the Bill there cannot be such a thing in Ireland as a cause ecclesiastical, because the whole ecclesiastical law is swept away. One other observation on the same subject. The noble Earl said that in Scotland there is no Royal supremacy. That is a play upon words. It is quite true that in Scotland the ultimate appeal to the Queen is not preserved; but if the noble Earl will, at any moment he may find leisure, consult the Scotch Act of Parliament of 1690, he will find not only the laws, but even the doctrines of the Church declared on the face of the Act; he will find the Church government by Kirk Session and Assemblies of that kind laid down and provided for in that Act; and the whole of that done by the King and Queen at the time, and with the authority of the Parliament of Scotland. There, therefore, just as in this country, the laws of the State are the laws of the Church, and the laws of the Church are the laws of the State. I will go one step further before I leave the question of disestablishment. I know it has been the fashion to say that those who support the principle of Establishments have ceased to support it upon the ground that the Establishment maintains the truth. My Lords, that has been repeated in the course of this debate. My noble and learned Friend the Master of the Rolls, I think, said this — "It is the principle of all modern statesmen that the State is not to lay down that this is true and that is false, or to force any form of religion upon the people." With a part of that statement I entirely agree. It is not the business of the State to enforce any form of religion upon the people; and I have been somewhat astonished in the course of this evening's debate to hear the noble Duke (the Duke of Argyll) use the term that the Established Church forced religion upon the people. I believe also that it is not necessary for the State, or the province of the State, to go out of its way to declare other religions to be false; but what I do maintain is, that it is the business of the State, it is the duty of the State, it is the privilege of the State to decide for itself, and decide as an Imperial question, what form of organization will, in the judgment of the State—acting as a whole and treating it as an Imperial question—be the form which will best convey to the people of the State the knowledge of those great truths of Christianity which the majority of the State considers to be of inestimable value. And, my Lords, I prefer very much what was said by my noble and learned Friend (Lord Penzance), who observed—"I believe that an Established Church is a great national necessity, and is a national acknowledgment of a religious duty." That has been the doctrine always accepted in this country, and I venture to enter my earnest protest against the views of my noble and learned Friend the Master of the Rolls, that modern statesmen have ceased to acknowledge or to hold that doctrine. I go a step further, and I ask—If any State held a doctrine of that kind, is it possible for this country to hold it? My Lords, what are our title deeds? What do we find in the Declaration of Rights? We find the whole foundation of it is that this is a Protestant country. What is the tenure of the Throne by the Sovereign? The succession is limited to those who are Protestants. What is the condition upon which the Sovereign holds the Throne? It is that the Sovereign conforms to and is a member of the Church of England. What are the forms of the Writs which summon your Lordships to this House and the Members of the other House of Parliament? The form is this—that Parliament is to be assembled "for arduous and urgent affairs concerning the estate and defence of Our United Kingdom and the Church." Is that consistent with the idea that the State cannot, as an Imperial question, and as a whole decide for itself what form of religion is the best? What is the meaning of calling the two Estates of the Realm into council with reference to the affairs of the Church, unless the Church is to have the privileges of an Establishment? To mention a subject which must be referred to with forbearance, I want to know the meaning of having Prayer offered up in your Lordships' House at the commencement of Business, when we ask the Supreme Being to guide us in our councils towards the maintenance of the true religion? [*Laughter.*] I am sorry to observe that the noble Lord opposite (the Earl of Kimberley) considers this a laughing matter. I would ask him whether it is a mockery which we intend when we use the expressions to which I have referred, or whether there is really in the eyes of the State such a thing as true religion? The objection, therefore, to this Bill as to the question of disestablishment is, I think, that it amounts on the face of it to a declaration on the part of the State of the abandonment of any Church or religion whatsoever, and an expression on the part of the State of that which is equivalent to infidelity.

My Lords, there is one other peculiarity in the case, when we have to deal with Ireland, so far as the question of disestablishment is concerned. I object to disestablishment generally on the ground of policy and duty; but, in the case of Ireland, another ground presents itself—a ground which has been very much discussed in the course of the debates on this subject—I mean that which is connected with the Act of Union. Into that point I do not intend to enter at any length; but I must say, with the most profound respect for those who entertain a different opinion, that I never believed the Treaty of Union between England and Ireland to be different from any treaty between any other two countries. I know well that such a Treaty can be put an end to by the mutual consent of the contracting parties; but this does not exhaust the question. One provision of the Act of Union is that the maintenance of the Church in Ireland as established is an essential and fundamental part of the contract of Union. You say, however, that the constituencies of Ireland and the representatives of that country are willing that the Irish Church Establishment should be done away with, and that there is a cancellation of that clause of the Treaty. But the only way in which you can cancel an essential clause of the Treaty is by cancelling the whole contract. What I ask your Lordships, then, to consider is this—though the subject cannot be pursued at any length now—whether the consequence of cancelling that which is an essential part of the Treaty of Union is not a moral abandonment—I do not speak of any technical question of the effect of an Act of Parliament—of the Act of Union itself. True it may be that the constituencies of Ireland are perfectly willing to abandon the maintenance of the Church Establishment in that country; but have, I would ask, the constituencies and people of Ireland yet signified their willingness to restore the contract of Union, which morally comes to an end when you take out of it a necessary and fundamental term? Let me not be misunderstood. I know well that there is in some parts of Ireland an agitation on the question of the Union; and, if my voice could reach any of those who take a view opposed to its continuance, I should with the greatest earnestness implore them to abandon such an idea. Nothing could, in my opinion, be more disastrous for Ireland, for the Protestants of that country, or for any portion of its population, than the severance of the Union with England. But if you introduce the principle that the Treaty of Union is to be broken through, and that the question of its validity or reaffirmance is to depend on the will of the Irish people, we ought, I think, to be very careful as to bringing about a state of things which would lead the people of Ireland, not only in those parts of the country in which such views already prevail, but in those parts of it in which they have never prevailed before—to come to the conclusion that if any portion of the Act of Union is to go, they would prefer that the Treaty itself should be dispensed with altogether.

I now pass from the question of disestablishment, which, if the view I take of it be right, is contrary to policy and to duty, and is even a violation of a contract which may lead to the consequences which I have pointed out. I now come, in the next place, to the question of disendowment; and the first observation I would make with respect to it is that what this Bill proposes to do is to devote to purposes which I may say, without seeking to pronounce any panegyric upon them, are laudable and proper purposes, if you had only got money to apply to them, funds which have hitherto been devoted, and exclusively devoted, to the teaching of religion. The idea which at the outset occurs to me in dealing with this point is that this is a thing which in this country has never been done before. I listened to the noble and learned Lord, who, I thought was going to cite cases in which it had been done; but I heard no such cases. I am aware that the suppression of the monasteries in the reign of Henry VIII. has been referred to; but that has no analogy whatever to what is to be done here. The monasteries were declared to be things which ought to be put an end to; and being put an end to, the property, whether rightly or wrongly I will not now discuss, was applied to other purposes. It was not a case in which it was said—"We wish the monasteries to go on; we think them the best things in the world; and, while taking away their property we, wish them happiness and enjoyment." So far from that, they were pronounced by Parliament to have committed faults which justified their suppression, and being accordingly suppressed, it was impossible that the money could any longer be applied to their use. Is there any other analogy? As to what was done at the Reformation, it is no precedent, for the Church itself was then reformed by the authority of the State, and the property remained in the hands of the Church. Is Canada a precedent in favour of the proposal of the Government? Why, it is a precedent directly against it. There was certain Church property which never had been localized or made the property of any parish for the support of religion, but had been held in one general mass, out of which from time to time allowances and stipends were made to the Protestant clergy of Canada. That property was dealt with in a way of which we have heard. But what was done with property which had been localized and devoted to the purpose of religious teaching in certain localities? Why, as the noble Marquess (the Marquess of Salisbury) reminded your Lordships, at the time the clergy reserves were appropriated to other purposes, those forty-seven or fifty rectories which had been established by Sir John Colborne when he was Governor of Canada, and which were on all fours with English incumbencies, were religiously preserved—they were never taken away to be applied to other purposes, but remained devoted to religious teaching in the respective parishes. I may refer to one other parallel which has been cited. The right rev. Prelate (the Bishop of St. David's) told us a most interesting story of St. Ambrose, which for another purpose was also mentioned by my noble Friend (the Earl of Derby) last night. St. Ambrose used the silver vessels of the altar for the purpose of ransoming slaves. I thought at the time that the right rev. Prelate might have adduced an instance of greater authority and of a higher sanction—the shew-bread, which also was part of the furniture of the altar, and which was used for the purpose of supplying those who were hungry. But both those were cases in which the offerings were taken from the altar because, without their being so taken, distress, which was imminent, could not be averted. What, however, you are doing here is stripping the altar for the sake of stripping the altar; and then when you have stripped it, which you do for the mere pleasure of plunder, you look about you, forsooth, and see what what you can do with the money you have acquired in that way. In your desperation—in that agony which according to my noble and learned Friend has for so many years prevented any Government from dealing with the Irish Church—that agony of knowing what to do with the surplus, you at last remember that lunatic asylums and reformatories are excellent things, and you decide on giving the money to those institutions. I want to know what right you have to do this?

My Lords, we have heard a great deal of the distinction between private and corporate property. I must beg to be allowed to object to the use of that term, which, I think, was introduced by Mr. Hallam without sufficient consideration, and has since been adopted by many writers. There is said to be a distinction between private and corporate property; and it is said that a corporation having no heir, and being the creation of the Legislature, which can put an end to it by the same power which created it, the property of a corporation is something altogether different from that of an individual. Now that is not a very comfortable doctrine for the Bank of England; it is not a very comfortable doctrine for the Great Eastern Railway Company, or for the numberless corporations throughout the country that carry on trade and possess property. The truth is it is an entire misapprehension of terms to suppose that it carries the argument one inch further to find that you are dealing with the property of a corporation and not with the property of individuals. If Mr. Hallam be right that corporate property is State property, because a corporation has no heir; then the result would be that the benefactions of private donors would fall to the State, as well as the other property belonging to the corporation. And yet it is admitted, even by the present Bill, that you cannot touch property which is given by private donors. But I go further. Suppose you say that a distinction may be made in the case of such corporations as those to which I have referred, and that because the Bank of England has shareholders, with private interests in its shares, it cannot be classed with ordinary corporations. Let us, then, take the case of an hospital founded by some munificent man for the purpose of supplying medical aid to a parish, and if you like to make the analogy a little more complete, for the purpose of supplying such aid according to the homœopathic system to persons in the parish who liked it. Now if, in the case of the Bank of England or the Great Eastern Railway, the circumstance that private individuals have interests in the shape of shares, and if the property is thereby protected, why should not the interests of the parishioners, or, at all events, of those who like homœopathy, be also protected? The truth is, it is simply leading us into a cloud of bewilderment when you talk of the circumstance of the Church being a corporation having anything to do with the matter. The real question is the nature of the property, where it came from, and what are the purposes to which it was to be applied. And now let me ask your Lordships to remember what is that property proposed to be dealt with by this Bill? We have two kinds of property, tithes and glebes, which are quite different from each other, and open to different considerations. First of all, I will take the case of the tithes. They have been called over and over again national property. In fact, they are no more national property than — I will not say, the property of your Lordships, but the property of one of the corporations to which I alluded just now. Let us see what they really are. The tithes were never granted by the State. They were the offerings and oblations in early times of members of the Church, who were actuated to make these donations by the exhortations of the Church, and their own sense of what was right; and when the Church became connected with the State the Church said to the State—"We have been in the habit of getting tithes, but as those who give them are not very regular in their payments, we should like you to pass an Act of Parliament in order to give a legal sanction to that which all the members of the Church have already agreed to." This is a matter as to which there can be no doubt whatever, because fortunately we have the Preambles of the first Tithe Acts, both for England and Ireland. One of these Preambles says—

> "Whereas divers persons, not regarding their duties to Almighty God, have not letted to subtract and withdraw the lawful and accustomed Tythes of Corn, &c."

Now, my Lords, the fact is we are a little confused in dealing with this subject from the circumstances that these tithes have been turned into rent-charges. Suppose, however, that there had been no such conversion. Can your Lordships believe it would be possible if the old state of things existed for the Legislature of the country to step in and say—"The parson shall no longer take the tenth sheaf of corn; our own officer shall take it instead, because it is national property, and we will use this tenth sheaf of corn for any purposes we deem fit to apply to it?" Now, does it really make any difference because, in order to facilitate collection, these tithes have been converted into rent-charges? It is impossible for a moment to sustain such a position. I will give another illustration. We have lately been discussing the question of church rates in England. Those rates amounted, not many years ago, to a sum about as large as the whole tithe revenue of the Irish Church. The church rates were a charge upon land, and formed a condition of the succession to landed property. But would it have been possible for the State in that case to come forward and say—"Those church rates cause a great deal of quarrelling; they produce much ill feeling; we must put a stop to their application to the purposes of the Established Church; the State will collect them; will use them for the service of the State; we will not repair the churches, but we will seize on these £400,000 or £500,000 a year, and apply them to the purposes of the public Exchequer?" My Lords, I do not deny that this is public property; but there is a great difference between national property and public property. As public property, coupled with a trust in which there is a duty to be performed, I quite agree that it is within the competence of the State to step in and see that the duties are properly performed —to see that in the nature of the trust itself there is nothing illegal, and that in the expenditure there is no extravagance. And that is the answer to what was urged by the noble Earl (Earl Russell) at the table to-night. He said—"Take the case of an endowment founded for the benefit of persons who go to the Holy Land and return with the leprosy." I do not know that that would be the result of the journey; but that is the case that was taken by the noble Earl. "Supposing the income of the endowment, from the increase of value and other causes, yielded an annual return of £15,000 or £20,000, and there are no lepers for whose benefit the income can be applied, may not the State step in and apply the money to purposes as nearly akin to the original as possible?" Under these circumstances I quite agree with the conclusion at which the noble Earl arrived. But, supposing there are 700,000 lepers to whose benefit you can apply the fund, would you then be justified in confiscating it? And this is really the point of the case. This is not national property. The nation has no right to apply it, except for the objects originally intended. You may see that it is applied to the objects originally intended, you may see that the duty is properly performed, and that the expenditure is not extravagant; but beyond that you cannot go. Let me ask your Lordships to imagine a case that ought, I believe, to carry conviction to any mind that fairly considers it. Suppose a College or school were founded in a particular parish; suppose that the funds were not extravagant for the purpose, and suppose that, though not the whole of the children of the parish, yet a sufficient number, availed themselves of the opportunity thus afforded them; and suppose you came to deal with the endowments in the way you propose to do with the Irish Church, what would the Preamble to your Act of Parliament be? Would it not be something of this kind—"Whereas an endowment was made for the purpose of providing education for children of the parish who were willing to receive it at the time of its foundation; whereas the school has been of great advantage in the teaching of children; and whereas it is expedient that, notwithstanding, for the future, the school shall not be permitted to continue its teaching, and the endowments shall be employed for another purpose entirely unconnected with teaching." Would such a Preamble as that be consistent with any previous legislation? But is not that exactly what you are doing now? You do not recite, because any one may learn the fact for himself, if he desires what was the origin of the tithes; you know that the Irish Church has fulfilled its mission to the extent I have mentioned; you do not say that the expenditure is extravagant; but the State steps in and takes funds set aside for religious teaching, and, in seizing them, makes the express provision that no portion of these funds shall be devoted to the objects for which they were originally intended. Then comes the question of justice with regard to tithes. How did my noble Friend elude that? He says that all those endowments were meant to be used for the purposes of religious teaching by the whole of the nation, and that it was expected that the teaching would be accepted by the whole nation. Now, it is very hard to tell what was expected in this case. I do not know that Elizabeth, for instance, expected the whole of Ireland to be converted—if she did she must have been a very sanguine woman—but, my Lords, I do say that it is a new and dangerous principle to establish that, if an endowment is provided for the religious teaching of a parish, that that endowment should be sacrificed and put an end to, because you find that a certain section of the parish refuse to avail themselves of its benefits. I do not want to apply that argument in any way unfairly, but I believe it to be applicable in the present instance.

Now let me say something about the glebe lands, especially of Ulster, which are by far the most extensive. My Lords, remember what the state of these glebe lands is. James I. had confiscated the lands of Ulster. They were perfectly free, perfectly unoccupied — nay more they were perfectly deserted. He could give them to whom he liked, and, under the advice of his Ministers, he devised a plan for the settlement of Ulster. He divided those confiscated lands into portions of 1,000, 2,000, and 3,000 acres, and made a scheme for the settlement of the whole. Grants were given to individuals on the terms that they were to settle those lands with English and Scotch settlers; they were to build houses; erect fortified walls; live on their farms, and among the settlers; and a principal condition of the plan was that for every 1,000 acres ten should be set apart for the purpose of supporting a Protestant incumbent, who was to become the religious teacher of the settlers. Now, I do say, honestly and fairly, that I have never found this portion of the Church question even approached by the supporters of the Bill. Here were settlers taken from their homes in England and Scotland, where they had endowments and would have had them to this day. They were taken over to a country where they had no co-religionists, upon the inducement not only that they should have so much free land, but that their religious teachers should also be provided with a part of the same land. The consequence was that the settlers went there, they colonized Ulster, and made it from a desert wilderness the garden of Ireland; and then you turn round and say to their descendants that they may keep their farms, but they must surrender that which was as much an appendage to their farms as if it had been a right to an adjacent common—the acres of land set apart to maintain their ministers. And remember that in those parishes of Ulster there is no lack of members. The Church population in most of them is the population of the parish, or if there is any other it is a population entirely in sympathy with the population of the Church. Now, is this policy justified? How apt we are in Bills of this kind to look only at one side of the case, and shut our eyes to the other, and to say that the view we take is eminently just and commends itself to our consciences. But let us look at both sides of the case. When James I. made grants of land in Ulster to some of the London Companies he made grants also for some of the parish ministers. But, again, the London Companies themselves, out of the land granted to them by the King, made further grants to the parochial incumbents of the Church. Your Bill saves the land where the Companies have made grants, but it confiscates it where the grant was made by the King. In fact, instead of removing you only create anomalies. I have done now with the question of disendowment, and I say, in that respect, that instead of doing justice you do wrong and the grossest injustice.

And now a few words as to the effect of the measure—first, on the Church itself, then on the Protestant population, and then on the Roman Catholics. As to the Church, it is a Bill to extinguish it. But you will not extinguish the Church. Persecution would not extinguish the Church, but it does not follow that persecution is a right thing. But though you cannot extinguish the Church, you may extinguish the organization for the spread of the doctrines of the Church. The voluntary system has been very much referred to—so often, indeed, that a rapid summary will be sufficient for my purpose. Where has the voluntary system succeeded? Has it succeeded in the Episcopal Church in Scotland—a Church to which belong many of the chief landowners in Scotland? We have had testimony from the most rev. Prelate (the

Archbishop of Canterbury) on the subject. But what about the Free Church? We have been told that wonders have been done by the Free Church. We must remember that the greatest part of those exertions were made under the pressure of the conscientious grievance, as they thought it, which led to their separation from the Established Church. But if we want to know what has been the result of the voluntary system in Scotland, let us look to the testimony of Dr. Begg, who, in his pamphlet, furnishes us with evidence on that head—

THE EARL OF DALHOUSIE: It is all false.

LORD CAIRNS: The noble Earl says that the testimony of Dr. Begg is false.

THE EARL OF DALHOUSIE: The statements inserted in Mr. M'Naught's pamphlet are false.

LORD CAIRNS: Mr. M'Naught did not make his statements in a pamphlet. He made them in a speech to the Presbytery at Glasgow, and I suppose, if he were wrong he could have been set right. His speech was published in a pamphlet with a preface by Mr. Begg, who endorses the statements in Dr. M'Naught's speech, and corroborates their accuracy. Well, Dr. Begg says the real answer to all that has been said about the success of the voluntary system in Scotland is that many of the ministers are not as well paid as bank clerks, while some of them are struggling with actual poverty. With regard to what has been said about what the voluntary system has effected in the colonies, I would observe that in several of the colonies provision has been made for religious purposes—so that the voluntary system does not prevail in those colonies. Again, it is to be remembered that when settlers go out to a colony each one knows what he will have to do in the way of contribution for religious purposes, and the extension of religion proceeds with the advance of the colony. Now, there is a great difference between that case and the case of suddenly disendowing a Church which for centuries has enjoyed endowments. My noble and learned Friend on the Woolsack alluded to what had been done by the Bishop of London; but I think there cannot be a stronger illustration of the truth of what we say in respect of the voluntary system. If there be any concentration of wealth equal to what is to be found in this metropolis, I am not aware of the place in which it is to be found. Well, in this metropolis, where, generally speaking, all the possessors of wealth and all those immediately below them have religious ministrations supplied gratuitously there has been a want of those ministrations for many of the poorer class; and a powerful appeal was made by the most rev. Primate, who then presided over that diocese, to collect £1,000,000 to supply that want for the poor. What has been the result of that appeal? During a period extending over six years, in this great metropolis, with all its wealth, a sum has been collected, in answer to that appeal, which would be just about sufficient to pay the building charges on the glebes in Ireland, and to prevent the Irish clergy from being turned out homeless on the world. Well, what will be the consequence of this disestablishment and disendowment to the Protestants of Ireland? In plain words the consequence will be this—the Church will be maintained, no doubt, in the large and prosperous towns; but in the country parishes, many miles long and many miles broad, where there may be perhaps 200 or 300 of a Church population, mostly humble labouring men with one or two landlords, one or both of whom may be absentees, either the Protestant population will be absorbed in the Roman Catholic population, or that other alternative suggested by the noble Duke (the Duke of Cleveland) last night be adopted. The noble Duke said—"Let the scattered Protestants in the South go to the North, and let the Roman Catholics in the North go to the South." If the noble Duke resided in Ireland, I do not think that is a prospect he would like. If you adopted it, a material wall would not be built up between the Roman Catholics and the Protestants; but I fear that a much more objectionable wall would be erected between them—a wall of angry passions, prejudice, and antagonism, which would for ever prevent that common sympathy from which alone we can hope for the permanent improvement and prosperity of Ireland. I do not want to be mistaken—I do not hold the view of the noble Duke opposite (the Duke of Argyll), that the Protestants of Ireland, unless they are bribed, will not be loyal.

THE DUKE OF ARGYLL: I did not say so. I said that was the argument of the noble Duke opposite (the Duke of Abercorn).

Lord CAIRNS: Then the noble Duke was mistaken. I listened from beginning to end of the able and striking speech of the noble Duke near me (the Duke of Abercorn), and I am certain that he never uttered a sentence that could bear such a construction. The Protestants of Ireland make no demand for being loyal—they do not want to be bribed; but, whether they are right or wrong in their opinion—and I think they are right —they say—"This property is our own, we have a right to keep our own, and that we think you are taking away from us;" and believing, as they will do, this to be the case, they will naturally be exasperated; and I do not think that by exasperating the Protestant population we shall succeed in pacifying Ireland. And now, my Lords, what will be the effect of this measure upon the Roman Catholic population of the country? My Lords, I think that perhaps it will be the means, to some extent, of gratifying the Roman Catholic population; but, while you gratify them, do not think you will satisfy them—the two things are very different indeed. My Lords, we know perfectly well that what the Roman Catholic population of Ireland have set their hearts upon is, not the disestablishment and the disendowment of the Established Church, but the possession of the land; and they merely look upon the destruction of the Establishment as a preliminary to the destruction of the Land Laws. Now, I give the Government this credit, that I do not believe they will bring in any measure with respect to the land at all calculated to gratify the hopes that are entertained in Ireland. But what will be the effect upon the Irish population, when they find that they will have to pay their rent as before, and that the payments to their priests will have to be made as before? Why, there will be a recoil in their feelings, and they will turn round and ask you what you meant by that wonderful piece of legislation which was to have insured so much to their satisfaction. Now, my Lords, let me ask you for a moment what would be your answer if a Roman Catholic was to come and address you thus—"You have introduced a very wholesome and excellent principle of legislation; you have laid down the rule that there is to be no inequality whatever in ecclesiastical arrangements—that is a very good thing; you have laid down the further rule that in the treatment of ecclesiastical arrangements there is no longer to be a question of the union of the three countries, but that the views of the majority of the population of each of the three is to be consulted, and that the case of Ireland is to be dealt with as standing by itself; you have got an Established Church in England, the Church of the majority, and an Established Church in Scotland, the Church also of the majority; you tell me you are anxious to carry out the principle of equality, and therefore I ask you to establish the Church of the majority in Ireland." Now, supposing you said, in answer to that demand—"Well, we should like to see you placed on a perfect equality with ourselves; but, unfortunately, there is a little prejudice about these things, and somehow or another we cannot persuade the Parliament of England to establish the Roman Catholic religion in Ireland." And then supposing the Roman Catholics were to say—"Well, we can quite understand that, but there is another thing that can be done: if you cannot establish the Roman Catholic religion in Ireland, you can disestablish the Established Churches of England and Scotland, and then we shall be quite equal and perfectly happy." Now I ask you, my Lords, I ask the noble Earl opposite (the Secretary for the Colonies) what answer you could give to that proposition? I say that it would be perfectly impossible to answer it, and that you would then find out that your principle of equality is absurd, and cannot be carried to a logical conclusion without entailing consequences from which you would recoil. My Lords, I will not say more than a word or two about the case of England. I am anxious not to set a precedent that may afterwards work evil in this county; but I want to ask you this—You are now asked to hold this doctrine — that wherever there is an Established Church and an endowed Church there is between its members and those belonging to unendowed religious communities a religious inequality. You are asked further to hold that where there is inequality there is injustice. But is not that a dangerous principle when you come to deal with it? Let us put aside the question of numbers—let us forget England altogether, and take an illustration merely upon Irish soil. If I take 2,000,000 from the Roman Catholics and put them over to the Protestant side, making the numbers of the Protestants 3,500,000, though the Protestants would then be in a majority—as long as religious Establishments existed would there not be in principle just the same inequality which you say now exists? I beg your Lordships to beware of affirming a principle which, if applied to England, would lead to your being charged with injustice, because one-third or something less than one-half of the people did not belong to the established religion. The noble Earl the Secretary for the Colonies gave a good deal of advice to the Episcopal Bench as to the course they should follow, warning them not to reject the measure, or in any way to connect the cause of England with that of Ireland. The noble Earl told us the result of some conversations which he had held with defeated Members of Parliament belonging to the Liberal party. I was always under the impression that defeated Members of Parliament resorted to the Secretary to the Treasury when they wanted consolation. But I can quite understand that a Secretary to the Treasury having a Secretary for the Colonies of such consoling power as the noble Earl would naturally send on the defeated candidates, and I can only regret that to the burden of public duties this additional duty is cast upon the noble Earl of receiving the confidences of rejected candidates. The noble Earl told us that those who were defeated complained that invariably their great enemies were the parson, the sexton, and the gravedigger.

Lord REDESDALE: The clerk and the sexton.

Lord CAIRNS: Yes; the parson, the clerk, and the sexton. The defeated Liberal candidates said they met these terrible agents everywhere; and the noble Earl warned the Bishops of the dangers that would come to the Church if Liberal candidates continued to be thus successfully opposed. I do not expect the noble Earl will have any of these confidential communications with defeated candidates on the other side; but I venture to say that if he could only spare a little time to hear them they would tell him that their great opponents at the last election were the Nonconforming ministers, and that for skill in electioneering and in bringing influence to bear upon their flocks very few could surpass those persons. They would also tell him that the reason why the Nonconforming ministers were so anxious about the Irish Church was not from any benevolent sympathy with Ireland at all, but because they sought to overthrow the Irish Church merely as a precedent for attacking the Church in England. And, therefore, having heard the revelations which these disappointed candidates could make to the noble Earl, perhaps he would begin to think that there was some reason for the sexton, the clerk, and even for the rector, to feel anxious about the result of the elections. The right rev. Prelate who presides over the diocese of St. David's said it was absurd to suppose that in Wales there are any differences at all, for that the only differences which there prevail are not greater than exist elsewhere between different sections of the Church itself. We all know that there was no place where the Irish Church question was more warmly taken up and discussed at the last election than in Wales; I would, therefore, ask your Lordships, and even the right rev. Prelate himself—do you believe that if the Irish Church question had been the only one, and that legislation affecting the Church was to end there, the Nonconforming ministers would have cared — what shall I say?—the value of a journey to the hustings for the question?

My Lords, let me say a very few words with regard to the course to be taken on this occasion. I think it a fortunate circumstance that on the great question of the constitutional position of this House, there is, as far as I can gather, really no difference whatever between any Members of your Lordships' House; the only difficulty which does arise is not as to the principles but as to the application of them. I am quite willing to accept as regards principle the view which my noble Friend below the Gangway (the Marquess of Salisbury) expressed with such power last night, although I differ with him in the application. My noble Friend said — and I agree with him — that as regards many public questions the country at large does not take any lively or active interest; that those questions are relegated by the country to be decided by the House of Commons and the House of Lords; that as to those questions both Houses have full co-ordinate jurisdictions, and the country leaves them to settle those questions between themselves as best they may. But I agree with my noble Friend further, that there are questions which arise now and again—rarely, but sometimes—as to which the country is so much upon the alert, is so nervously anxious, and so well acquainted with their details, that it steps in as it were, takes the matter out of the hands of the House of Lords and the House of Commons, and substantially and in truth tells both Houses of the Legislature what the country requires; and that in those cases either House of Parliament, or both together, cannot expect to be more powerful than the country, or to do otherwise than the country desires. But, my Lords, while I admit that as a general principle, I think there is a correlative principle which never ought to be lost sight of. While I admit, as I do most freely, that the House of Lords must faithfully interpret the wishes of the nation, and that this House is not an external body which is to govern the nation against its will, there is a correlative principle, which to my mind is this—that the House of Lords, especially when it surrenders its own convictions upon the merits of a question, must be very careful indeed to be certain that the mind of the country is rightly and faithfully interpreted. Now, what is it necessary to remind your Lordships of with reference to the last election? I quite agree again with my noble Friend that there was an issue presented to the country in which to a large extent the question of the Irish Church was mixed up; and I agree with him that as regards the knowledge of the country, of the form and extent of that issue, much must be determined by the declarations of those who were advocating before the country the policy which is now embodied, or said to be embodied, in this Bill. Now, the expressions used last year by the noble Duke opposite (the Duke of Argyll) have been referred to to-night; and the noble Duke has entered into an argument of some length to show that, taken in connexion with Amendments which were moved in the other House, it must have been known by the Conservative party that his words would not bear the meaning that has been put on them. That is not the question. The question is this — Take the effect of those words on the country at large, which is not versed in those Parliamentary contests that produce Amendments and counter-Amendments, and there can be no doubt of the sense it attached to them. I would remind your Lordships of the later words of the noble Duke. What did he say? He said—

> "Therefore, those Members of the House of Commons who voted for that Resolution are perfectly free to vote for any sort of compromise in respect to the endowment of the Church."—[3 *Hansard*, cxciii. 174.]

The matter does not rest entirely upon the words of the noble Duke. He will forgive me for saying that there is an authority still higher than he. What did Mr. Gladstone say? We all remember his general expressions about the Church being treated with indulgence and generosity; that after all, she would not be so badly off, but would go forth into the world with about two-thirds or three-fifths of her property; and although it was afterwards explained that those two-thirds or three-fifths would be left to the Church or to her members, yet the country at large does not criticize these distinctions; and there can be no doubt that the feeling out of doors was that the Irish Church would be dealt with in a most liberal and handsome way, and that, when disestablished and disendowed, she would still retain two-thirds or three-fifths of her property and that she would carry with her in entering on her new career a very good provision. What did Mr. Gladstone say last year on the subject of endowment about the same time when the noble Duke used the words that have been quoted? Mr. Gladstone said—

> "We have passed a vote with regard to the Established Church which excluded the word 'disendow,' because we have reserved to ourselves the power to deal liberally on every question of construction and interpretation as far as the Established Church is concerned."

So that Mr. Gladstone really went much further than the noble Duke, and said he would not even mention the word "disendowment." In that state of things the matter went to the elections. What do we all know in regard to those elections? I describe the state of things accurately when I say that the voluntary body, which is strong and respectable, were very keen on the subject of the Irish Church for reasons that we all know. The Roman Catholic body was also anxious for the adoption of the policy announced by Mr. Gladstone. But I venture to say that with the great mass of the Liberal party the great idea was that they wanted a change of Government. What was wanted was a Liberal Government, with Mr. Gladstone at the head of it; and we know perfectly well that in a great many places the Liberal candidate had to keep the Irish Church in the background, or if he mentioned it he had to take refuge in the kindly and generous intentions attributed to Mr. Gladstone. In that state of things the election was concluded; the Government was changed, Mr. Gladstone was at the head of affairs, and what do we find was done? What were the first declarations of two of his leading Colleagues on the subject of the Irish Church? Contrast their speeches with what was said before the Bill was introduced. I have read the declaration of Mr. Gladstone as to generosity and liberality. What were the words used after the Government came into Office and this Bill was introduced? The Chancellor of the Exchequer said—"Generosity! treat the Church with generosity! I, generous with other people's money!" What did the Chief Secretary for Ireland say? He said—"It is true the Bill is sweeping and severe; it would be weakness and folly if it were anything else." If the Liberal candidate at one of the elections in England had used these words, I do not think there would have been much chance of his return. What more is there? I am not going into details, but I would remind your Lordships of some matters about which there is no doubt as to the operation of this Bill. In the first place, the Bill leaves the Church absolutely unprovided for. Life interests are nothing to the Church. The fabrics of the churches are said not to be marketable; they are left to the Church because you cannot take them away. The Church that was to go out with two-thirds of its property has absolutely, literally nothing—nay, less than nothing. The glebe houses, the residences of the incumbents, as to which the noble Duke opposite (the Duke of Argyll), Mr. Gladstone, and Mr. Bright all declared, in the most emphatic terms the English language could supply, that nobody could ever dream of taking them away from the incumbents—the glebe houses are to be left, it is true, but only provided the Church pay £250,000 for them; and as there are between 900 and 1,000 of them over which this sum has to be apportioned, from my knowledge of Irish glebe houses I should say very few are worth that money. Then we have that strange invention as to the period from which private endowments should be taken—1660. The Ulster glebes are swept away. Then it is said great tenderness is shown to the Church Body with regard to commutations. The holders of life interests are to be allowed, with the consent of the Church Body, to have the Government value of their annuity paid to them in bulk. What advantage is that to the Church? It is paid into the hands of the Church Body, but the Church Body is charged with the payment of the annuity. Unless the Church is grossly dishonest, it must keep the capitalized annuity for the purpose of paying these poor men their life interest; and if the Government tables are correct, if the Church paid the life interest, the result would be that it would simply have nothing. If you mean that the holders of these life interests are to take less than their annuities and give the rest to the Church—where is the "generosity" of this? As the right rev. Prelate said the other night, you put the sackcloth and ashes on the wrong man. I shall not follow my noble and learned Friend (Lord Westbury) with regard to the working of the machinery of the Church; but I must say that anything more extravagant than the commendation bestowed upon these arrangements I never heard. The new Church is to stand upon the principle of contract. My Lords, my noble and learned Friend on the Woolsack knows perfectly well that you can have no legal redress upon the footing of a contract with a voluntary body unless in respect of property—you cannot raise your action unless there be some property in respect of which to make a complaint; and yet you found this Church upon the footing of a contract, and say—"You may pursue these contracts at law;" but, in order to make it impossible to do so, you deprive the Church of any property whatever. I need not follow the consequences of the Bill further. I venture to say that if this Bill had been before the country at the time of the elections it would have been impossible for it to have received the approbation of the constituencies. I do not admit the distinction maintained on this head between disestablishment and disendowment. My noble and learned Friend stated the truth exactly when he stated that the people of the country at large do not analyze the matter, and do not understand the difference between disestablishment and disendowment. I believe that the country looked upon the matter in this light—they believed you were going to deal with the Irish Church very handsomely, and that it was to tend towards the pacification of Ireland; and, believing that, they did not draw any distinction between disestablishment and disendowment. They merely looked for a Bill consistent with the representations made by noble Lords opposite during the time of the election. My Lords, the noble Earl opposite (Earl Granville) quoted some words of mine, uttered last year with reference to the Government being guided by the decision of the country, and I am quite willing to accept his interpretation of what I uttered. I stated that the then Government were willing to stake their existence upon the verdict of the country. I stated the policy which the Government as a Government would maintain at the elections. I said that that was a policy by which any Ministry would be glad to stand or fall, and I declared that by that policy we would stand or fall. The noble Earl opposite says that our pledge to do this did not amount to much, because the House of Commons had the power to change the Government, and that we would have to stand or fall by its vote. My Lords, in the first place, a pledge is not the less a pledge, because there is a strong probability that you must fulfil it. But the noble Earl forgets that he very properly and very handsomely acknowledged that it was not only a patriotic course which the late Government took in resigning, when it could not expect to obtain the confidence of the House of Commons, but he further admitted that it was only by that resignation that the present Government were enabled to put their views on the Church into a Bill and submit it to Parliament in the present Session.

My Lords, I listened anxiously to what fell from the Secretary of State on the subject of the Amendments which might be introduced here. I am very anxious rightly to understand this question, but I own that the remarks upon this subject which fell from the noble Earl the Secretary of State, though they appeared to give great comfort to the most rev. Primate who presides over this Province (the Archbishop of Canterbury), did not produce the same effect upon my mind. I find the noble Earl said that to all the main principles of the Bill the Government religiously adhere. What the main principles of the Bill were the noble Earl did not tell us, and therefore he is free to maintain any provision and to resist any Amendment which he may say, in his judgment, interferes with the main principles of the Bill. Then the noble Earl said that any Amendments which we may make will be respectfully considered by the Government. Now I am very sure that any Amendments which we may make would not only be considered by the Government, but if they be supported by a majority in this House, the Amendments will be carried, whether the Government consider them or not. The action of this House is in its own hands—we do not want pledges as to the action of this House—we do not even want pledges as to the action of the House of Commons. What we want to know is what is the course which will be taken by the Government in the House of Commons; because that is the real point in the question, and on that point we have got no information whatever. I was much struck with what was said by the noble and learned Lord (Lord Penzance). He said with great candour that, for his part, if the second reading were carried, he saw great difficulty in the introduction into the Bill of Amendments of the character indicated by the most rev. Primate. If that be so, and we have no assurance that our Amendments will be accepted, I want to know what encouragement there is to go into Committee with a view to making Amendments. The noble Earl (Earl Grey), who sits upon the cross-Benches, and who strongly advocated going into Committee, described in glowing terms the Amendments and the great improvements which might be made in the Bill, and the excellent position we should be in if we go into Committee. Now, I venture, with the greatest respect, to ask the noble Earl—and he will pardon me for feeling a doubt about the matter—whether he has ascertained that there is any single Amendment which he would propose which would be agreed to by the Government in this House, and whether there is any single Amendment which would be proposed by any other Member of this House to which he would agree. My Lords, I cannot derive much comfort from assurances of that kind, unless I know that the Amendments, which are so vividly impressed upon the mind of the noble Earl, are the kind of Amendments which I myself should like to see introduced. I agree with my noble Friend below the Gangway (the Marquess of Salisbury), that when we come to speak of any change that may have occurred in the country we have to deal with a difficult question. That is a point on which every person must form his own opinion in the most conscientious way and with the best information in his power. But certainly very remarkable things have occurred. I do not refer merely to the manner in which Petitions have come before this House on the subject of the Bill, though that is remarkable. It is remarkable to find that in so short a space of time Petitions against the Bill have been signed by 700,000 persons over and above those Petitions signed by the chairmen of meetings, which must represent in the aggregate as many more—and this while the Petitions for the Bill are signed by only 124,000 persons. This also is, I think, very remarkable—that to a greater extent than I ever remember in the case of any public question in recent times—meetings have been held expressive of disapprobation of this Bill, as soon as its contents became fully known, not only in counties and parishes, but in the most populous towns throughout the country. Nor were these tumultuous meetings, as they have sometimes been described to be in this debate, but grave meetings, solemnly called together, conducting their deliberations in the most solemn way, showing the most comprehensive acquaintance with the subject, and manifesting the most stern resolve on the part of those present to oppose the policy of the measure. It has been said that meetings have been held on the other side also, or that they would have been held had they not been discouraged by Members of the Government, and among others by Mr. Bright. I do not know how this may have been, but it strikes me, at all events, as being somewhat singular, that in the only town with which Mr. Bright is directly connected—I mean as its representative—not only was a meeting held, but very much patronized by him, for, as we know, the right hon. Gentleman in a letter which has been often referred to, very fully disclosed his opinions on the particular subject which was under discussion. But even that meeting, notwithstanding the political feelings which, as your Lordships are aware, prevail in the town in which it was held, was anything but unanimous in supporting this Bill, and in its approval of the policy which it embodies. I own, my Lords, that those things which come under one's observation every day have very deeply impressed my mind with the persuasion that the people of this country have not yet fully considered the character and provisions of the measure.

My Lords, I beg you not to forget that this is a question—let men talk as they like—in which your Lordships' House has any peculiar or personal interest. The object—the only object—you can have in view in dealing with it—is really, and without the fear, as far as possible, of subsequent error or cause for regret—to ascertain what ought to be done with the grave issue which has been submitted for your deliberation. For my part, without in the slightest degree desiring to commit this House to taking up a position of antagonism to the country, I maintain, for the reasons I have stated, that my noble Friend who has moved the Amendment is right in wishing that further time should be afforded to the country for the consideration of a measure the most enormous in its scope, the most momentous in its consequences that has ever been laid before Parliament. My Lords, we are asked to commit a wrong—a grievous and cruel wrong—and that in one of those points on which they are most sensitive—on over 1,000,000 of our Protestant fellow-subjects in Ireland—a class of men of whom it is not too much to say that they have contributed in a greater degree than any other element in the country to the promotion of civilization and good order of their native land, and to the maintenance of the connection between it and England. We are asked to cast them off, to repudiate their right to institutions like our own, after the maintenance of those institutions has been guaranteed by engagements and stipulations the most solemn into which a State can enter. The measure which we are invited to adopt is not a measure of neutrality, but of destruction; it is a measure, not of indifference on the part of the State to true religion, but of actual hostility to it. We are asked to abandon once and for all the recognition as a State in Ireland of the Reformed religion, and thereby as a State to do all that a State can do to extinguish it. My Lords, we are going, as I believe, not to pacify Ireland, but to sow broadcast in that country a new and plentiful crop of angry passions, ungoverned jealousies, bitter and revengeful memories, which will soon ripen into a harvest of evil that, depend upon it, we shall have to reap even as we sow it. We are going in a country where of all others the sacredness of the rights of property ought to be inculcated, to teach a lesson that even in sacred things the State will bend and strain those rights for a political object and under political pressure. My Lords, it is because I anticipate these evils from the passing of this measure—it is because I feel convinced that if your Lordships were to accept it it could be only in deference to the unmistakable opinion of the country—it is because I see that any mistake as to that opinion is fatal and irretrievable—it is because I believe that the more the country sees and knows of this measure the less it likes and approves it—that I for my part shall give my vote for the Amendment.

EARL GRANVILLE: My Lords, the noble Earl who began the debate yesterday (the Earl of Derby) remarked on the observations I made in introducing the Bill with that good nature which he has always shown me; but he complained that I had not touched in my speech on the principle of the Bill. Well, my Lords, I think that at the close of the debate at this hour it is too late to remedy that deficiency, or even to follow in any length the able and detailed argument urged by the noble and learned Lord, who went over much the same ground as I think I remember that he did but a twelvemonth ago. Now, I think that there are certain arguments with regard to this Bill and to the Church of Ireland which have been smoothed away by discussion. After what has been said by some of the right rev. Prelates and by the noble Marquess opposite (the Marquess of Salisbury), I think it unnecessary to go again through the whole of the arguments; but I must say a few words in reply to what fell from the noble and learned Lord opposite. He asserted that it was absolutely necessary that the majority of the nation, as a whole, ought to decide what religion should be taught in the State, and to provide churches for the teaching of that religion. But, if this be so, what is to be said for the establishment—not of the Episcopalian but of the Presbyterian Church in Scotland? Then the noble and learned Lord tells us that the great importance of having a State Church is that it protects the religious freedom of the minority. I must confess I do not understand what is meant by that statement. The only country I know of where the State Church is in a very small minority is Ireland, and how can the existence of that State Church in the slightest degree tend to the religious liberty of the great majority of the people of that country? Then take the case of the Established Church here, to which I belong and which I hope will grow in usefulness. How has that Church been instrumental in securing the religious freedom of the Nonconformists in this country? As to the Act of Union, if as the noble and learned Lord contends the clause relating to the Established Church is a fundamental condition of the Union, surely there is no reason whatever why the representatives of England, Ireland and Scotland should not, for the public good, change that portion of the Act of Union. I may remark that I am no friend to disendowment; but I object to endowment when it is, in my opinion, unjust and when it tends to create feelings of irritation on the part of the great majority of the people. In Ireland a Catholic has to pay, perhaps, £2 or £3 a-year for the support of his religion, while his Protestant neighbour has not to pay a farthing. Can such a state of things be expected to exist without ill-feeling being created? This Bill has been criticized with great severity, and a great many faults have been found with it. But what has occurred in the course of the speeches of several noble Lords has led me to hope that this debate may yet land us in Committee, so that at this late hour I will spare your Lordships any discussion. I think the great preponderance of argument has been that as far as disestablishment is concerned the verdict of the country has been in favour of this Bill. I quite agree with my noble Friend who said that in his opinion the fact that the country had decided in favour of disestablishment was enough to warrant your Lordships in accepting the Bill and making in Committee what Amendments you may think necessary. The noble and learned Lord put a question to me, and I appeal not to noble Lords on this but to noble Lords on the other side of the House, and ask whether it is a reasonable one, and whether it is one I can be expected to answer. I stated the intentions of the Government, and he asks me what will be done in the House of Commons in regard to Amendments about which we know nothing, and of which we have not even had the character given us. During the course of this debate questions far more reasonable have been put to the leaders of the Conservative party, and have met with no reply. The right rev. Prelate (the Bishop of Peterborough) accused the Government in "another place" of having received every argument against the Bill with a conspiracy of silence. Among, however, the many objections urged against Mr. Gladstone, I have never heard that he was accused of having refused to argue out a great question. With regard to this silence, I am glad that it has not occurred in this House; because, if we had been so silent, we should have lost one of the most remarkable and one of the most interesting debates I remember ever to have heard in the course of my political life. No answer has been returned to the question of the noble Earl on the cross-Benches (Earl Grey) who very pertinently asked the noble Earl what was the next step supposing you succeeded in rejecting the Bill. That important question still remains unanswered. Again, it has been asked what is your policy when you ask this House to put itself in the position in which the Duke of Wellington said the House ought never to find itself—in opposition to the Crown, to the House of Commons, and to the nation? What right have you to do so without giving the slightest intention of what you intend to substitute? The noble and learned Lord may say, like Sir Robert Peel—"Call me in and I will prescribe;" but the noble and learned Lord was called in, and if he had a plan he tore it up and put it on the fire. One other question has been asked a hundred times. It is whether if we were in the position of the Irish people with reference to a State Church we would suffer such a state of things to continue? I venture to say that question remains unanswered. I challenged my noble Relative who moved the rejection of the Bill (the Earl of Harrowby) to answer it; but he treated my challenge with contempt. It was so treated till the right rev. Prelate (the Bishop of Peterborough) rose, whose speech has been so much praised for its splendid eloquence and ability. He referred to it—but, adopting a custom which I believe is more common in the sister kingdom than in this, he answered it by putting another direct question. He asked what portion of the people of Ireland the Government wished to do justice to? That question was at once answered by my noble Friend the President of the Council, who said the object of the Government was not to do justice to any portion of the people, but to do justice to the whole of Ireland. My Lords, when I ask this House—a House to which I am so deeply attached, and I ought to be, because I owe it so much—to take the step of adopting this Bill, subject to any Amendments which your Lordships may think fit to propose, I feel that I am asking it to adopt a measure founded on the highest principles of justice and morality, and entirely bound up with our duty both as men and politicians.

Motion (of Monday last), That the Bill be now read $2^{a}$—(*The Earl Granville*); objected to; an Amendment *moved* to leave out ("now") and insert ("this day three months")—(*The Earl of Harrowby.*)

On Question, That ("now") stand part of the Motion? their Lordships *divided:* — Contents 179; Not-Contents 146: Majority 33.

*Resolved* in the *Affirmative.*

Bill read $2^{a}$ accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 29th *Instant.*

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Beaufort, D.
Buckingham and Chandos, D.
Manchester, D.
Marlborough, D.
Northumberland, D.
Rutland, D.

Abercorn, M. (*D. Abercorn.*)
Ailsa, M.
Bristol, M.
Exeter, M.
Westmeath, M.

Abergavenny, E.
Amherst, E.
Annesley, E.
Aylesford, E.
Bandon, E.
Bathurst, E.
Bradford, E.
Brooke and Warwick, E.
Cadogan, E.
Chesterfield, E.
Coventry, E.
Dartmouth, E.
Derby, E.
Dudley, E.
Eldon, E.
Ellenborough, E.
Erne, E.
Ferrers, E.
Feversham, E.
Graham, E. (*D. Montrose.*)
Haddington, E.
Hardwicke, E.
Harewood, E.
Harrington, E.
Harrowby, E. [*Teller.*]
Hillsborough, E. (*M. Downshire.*)
Huntingdon, E.
Lauderdale, E.
Leven and Melville, E.
Macclesfield, E.
Malmesbury, E.
Mansfield, E.
Mount Cashell, E.
Orkney, E.
Romney, E.
Sandwich, E.
Scarborough, E.
Selkirk, E.
Shrewsbury, E.
Stamford and Warrington, E.
Strange, E. (*D. Athol.*)
Tankerville, E.
Vane, E.
Westmoreland, E.
Wilton, E.

Bangor, V.
Bolingbroke and St. John, V.
Clancarty, V. (*E. Clancarty.*)
Combermere, V.

De Vesci, V.
Gough, V.
Hawarden, V.
Hereford, V.
Hill, V.
Melville, V.
Strathallan, V.
Templetown, V.

Bangor, Bp.
Derry and Raphoe, Bp.
Durham, Bp.
Ely, Bp.
Gloucester and Bristol, Bp.
Hereford, Bp.
Lichfield, Bp.
Llandaff, Bp.
London, Bp.
Norwich, Bp.
Peterborough, Bp.
Ripon, Bp.
Rochester, Bp.
Tuam, &c., Bp.
Worcester, Bp.

Berners, L.
Blantyre, L.
Brancepeth, L. (*V. Boyne.*)
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Cairns, L.
Castlemaine, L.
Chelmsford, L.
Churston, L.
Clarina, L.
Clements, L. (*E. Leitrim.*)
Colchester, L.
Colonsay, L.
Colville of Culross, L. [*Teller.*]
Congleton, L.
Crofton, L.
Denman, L.
De Ros, L.
De Saumarez, L.
Digby, L.
Dunboyne, L.
Fitzwalter, L.
Gage, L. (*V. Gage.*)
Gormanston, L. (*V. Gormanston.*)
Grinstead, L. (*E. Enniskillen.*)
Hartismere, L. (*L. Henniker.*)
Headley, L.
Hopetoun, L. (*E. Hopetoun.*)
Hylton, L.
Kesteven, L.
Kilmaine, L.
Kingston, L. (*E. Kingston.*)
Leconfield, L.
Lovel and Holland, L. (*E. Egmont.*)
Middleton, L.
Moore, L. (*M. Drogheda.*)
Northwick, L.
O'Neill, L.
Oriel, L. (*V. Massereene.*)
Ormathwaite, L.
Ormonde, L. (*M. Ormonde.*)
Raglan, L.
Ravensworth, L.
Rayleigh, L.
Redesdale, L.
Rivers, L.
Ross, L. (*E. Glasgow.*)
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Silchester, L. (*E. Longford.*)
Skelmersdale, L.
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Strathspey, L. (*E. Seafield.*)
Tredegar, L.
Walsingham, L.
Wemyss, L. (*E. Wemyss.*)
Willoughby de Broke, L.
Wynford, L.

### PROTEST.

"*DISSENTIENT,*

"Because the Bill is in its principle and main provisions plainly and directly at variance with the obligations imposed upon the Sovereign by the Coronation Oath.

"CLANCARTY."

House adjourned at a quarter past Three o'clock, A.M., to Monday next, Eleven o'clock.

## HOUSE OF COMMONS,

*Friday*, 18*th June*, 1869.

MINUTES.]—SUPPLY—*considered in Committee—Resolutions* [June 17] *reported.*

PUBLIC BILLS—*Ordered*—Militia Pay*.

*Second Reading*—Insolvent Debtors and Bankruptcy Repeal* [134]; Fines and Fees Collection* [159]; High Constables' Office Abolition, &c.* [160].

*Committee*—Bankruptcy (*re-comm.*) [97]—R.P.; Imprisonment for Debt (*re-comm.*)* [98]—R.P.

*Committee — Report*—Poor Law Board Provisional Orders Confirmation* [166].

*Considered as amended*—Local Government Supplemental* [90].

*Third Reading*—Endowed Schools* [163]; Local Government Supplemental* [155], and *passed.*

The House met at Two of the clock.

### POOR LAW—VAGRANTS IN SACKS.

QUESTION.

MR. P. A. TAYLOR said, he wished to ask the Secretary to the Poor Law Board, Whether his attention has not been drawn to the custom of the Guardians of the Narberth Union of sending vagrants who are committed to prison for destroying their clothes, in all weathers, and for many miles, dressed in a thin sack, with the bottom cut off; whether it is a fact that, on the complaint of the committing magistrate, the practice was censured by the Poor Law Board; whether such practice has been discontinued; and, whether he will lay the Correspondence upon the Table?

MR. GOSCHEN said, in reply, that the attention of the Poor Law Board had been drawn to the practice alluded to in the Question of the hon. Member, and the facts stated were mainly correct. A letter had been written by the Board, drawing the attention of the guardians to the fact of vagrants having to walk long distances of twenty to thirty miles in going to prison, with insufficient protection from the inclemency of the weather, and requiring the guardians to discontinue the practice of clothing the paupers in sacks, which did not provide clothing to cover their limbs. No complaints had reached the Board since then, and he presumed the practice had been discontinued; but directions had been given to the inspector to keep his eye on the practice.

### SUPPLY.

RESOLUTIONS [JUNE 17] REPORTED.

## NAVY.—THE FLYING SQUADRON.

### OBSERVATIONS.

SIR JOHN HAY: Sir, I take this opportunity of calling the attention of the House to the rumoured despatch of a squadron on particular service, which I learn from the public papers is about to take place. I do so the more readily on this occasion, because I believe the policy which dictates it is one which not only leads to a wasteful appropriation of the sums granted for the service of the Navy, but also is likely to lead to an increase in the Army Estimates both in New Zealand and Japan, and is therefore germane to the present discussion. I understand, Sir, that a squadron, consisting of seven ships, and with crews of 2,500 men, is about to assemble under the command of an excellent officer—Admiral Hornby—for the purpose of exercise and instruction. Now I have no objection to the assembling of an experimental squadron. Such squadrons have frequently been assembled, either for the purpose of trying the qualities of the ships of which it has been composed, or for the exercise and instruction of those who command and man it. But such squadrons have always been kept in the Atlantic or Mediterranean; so that, in the event of any unforeseen disturbance, the vessels composing it have been at the disposal of the Admiralty at short notice. Now, I understand that the present squadron is not to be so available. I hold in my hand a paper, which purports to give its arrival and departure at and from various ports. The first-named is Bahia, from Bahia to Rio de Janeiro and the Cape of Good Hope. From that port it proceeds to the Australian colonies, and the Admiralty loses for more than a year the services of seven ships and 2,500 men. Of the ships I do not think so much. Four of them would make good cruizers against an enemy's commerce in time of war. The others may do well enough for training ships, but are not the class of ships in which we could wish the crews to be in case of hostilities. From the Cape this squadron proceeds to Melbourne and Sydney, omitting Adelaide and Hobart Town. The reason for this may be more obvious in the Cabinet than it is to me. From Australia the squadron, it appears to me, will proceed in a course which may lead to grave complications. We all know the present disturbed state of New Zealand. The country has rightly or wrongly refused to give any aid to our suffering fellow-countrymen there; nothing, it seems to me, can be more tantalizing and heartless than to send 2,500 trained men to the harbours of New Zealand, and then to refuse to assist them in subduing the savages now in rebellion. It may lead, perhaps, to a deceitful calm by momentarily overawing the rebels; but this paper, which I hold in my hand, gives them ample warning that the visit of the squadron is evanescent, and that the mother country has no intention that it shall remain for purposes of war. But what of the colonists. They, if they are wise, will court a reverse before the arrival of the squadron, and will seek to embroil it in their defence against the express desire of this House and the country; and it will be hard, indeed, to have 2,500 armed men there, and to refuse to allow them to assist their fellow-countrymen. It is one thing to refuse here on grounds of policy to despatch ships or troops to assist a colony, it is another, when the ships or troops are there, to refuse assent to their employment in defence of those so closely allied to us by so many ties. Well, the squadron having fanned the embers of civil discord in New Zealand, is to proceed to Japan. We all know the difficulties of our policy in those seas, and I feel sure that the squadron being there, some belligerent office will be found for it to perform. Thence it goes to Otaheite, and I can only say that so large a force in those seas will be sure to excite the jealousy or the emulation of France; nor can I believe that it will conduce to cordial relations with the United States of North America that so large a force, with so ill defined an object, is roving at large in the Pacific Ocean. For these reasons, Sir, I desire to enter my protest against this mode of employing the men voted by Parliament for the sea service. My right hon. Friend may feel pledged to let it visit the Australian colonies, but I advise him to order it home from Sydney by way of Cape Horn, so that it may speedily again be in the Atlantic, and ready, if wanted, for the service of the State. A great deal has been said, Sir, of the advantage to be derived from practice in fleets and squadrons, and, no doubt, this description of training is occasionally desirable; but the whole responsibility of this long cruize will be on the admiral; and the individual officers and men who compose it would learn more, as single ships sent to perform services, where all the various duties which devolve upon naval officers would be experienced by each, bringing the talents and judgment of each individual into play, so as that they may gain experience and not fear responsibility. For these reasons, I trust that the right hon. Gentleman will be able to assure the House that these rumours to which I have alluded as to the employment of a squadron on a particular service are incorrect.

Mr. CHILDERS said, he did not complain of the matter being brought forward; but he regretted the absence of independent Members who were, he knew, anxious to commend the expedition from a naval point of view. In introducing the Navy Estimates he explained the intention of Government in regard to this expedition; those intentions had not been departed from, and they were not challenged at the time they were stated, or the preparations for the expedition could have been delayed if the House had not been satisfied on the subject. The squadron which was about to leave Plymouth, would consist of six not seven vessels—namely, four wooden frigates—the *Liverpool*, with 515 men on board; the *Endymion*, with 485; the *Phœbe*, from Bahia, with 515; and the *Liffey*, with 515; and two wooden corvettes — namely, the *Scylla*, with 275; and the *Barrosa*, with 275 men, making a total of 2,550 men, of whom 1,763 were officers and men, 416 were boys, and 371 were marines. The squadron would visit all our distant stations with the exception of North America, India, and the Mediterranean, and would take with it for distribution 348 officers and men, including 200 boys, the supply of boys at home being somewhat excessive. The squadron, therefore, included a considerable number of men and boys who were sent for distribution over the distant stations, and this plan of distribution was much more economical than any other. At the same time the ranks of the squadron would be filled up by men whose time had expired and who had to be brought home. The squadron would further take a number of officers and young gentlemen for distribution,—namely, twenty-four for the Brazils, seventy for the Cape, forty-one for Australia, and 121 for China; and it would also bring home a considerable number. The *Bristol*, which was to leave Plymouth with the squadron, would go to Bahia with cadets and stores, the *Phœbe* joining her; a corvette would be left at Yokohama, to be re-placed by the *Pearl*; and a corvette would be left at Vancouver and re-placed by the *Satellite.* These were some of the objects of the squadron; but there was another of greater importance, for, in the opinion of every naval officer to whom he had spoken, and especially in that of the naval advisers of the Admiralty, there was no question but that there was a great deficiency, both on the part of officers and men, of that sort of experience which was to be obtained only by cruizing, and especially by cruizing in squadron; and it was partly to afford an opportunity of acquiring such experience that the expedition had been fitted out for a cruize of sixteen months. The squadron would contain no armoured vessels that would be available for fighting purposes in the event of an international difficulty in this part of the world; and could the House believe that 2,500 men, out of the 60,000 of which the Navy consisted, was such a large number that they must be kept at home in order that we might be better protected in the event of difficulty? If there were a difficulty in this part of the world — that is, with any nation of Europe or with America — it was not with small corvettes and frigates it would have to be settled, but with our great iron-clad ships; and, therefore, the absence of three or four cruizers of the frigate or corvette class was not a matter of such enormous importance as the hon. Baronet (Sir John Hay) seemed to think. The idea that we could not spare the 2,500 blue-jackets and marines on board these ships for fear of an international difficulty was one the hon. Baronet would scarcely have started if he had sat on the other side of the House. The New Zealand colonists would scarcely seek to be murdered by the natives in order that the squadron might be induced to stay; and, as to Japan, it was complained only the other day that mischief would be done by taking a force away. As to the exciting jealousy, the visits of squadrons usually produced a different feeling, which was evinced by officers and men being received with courtesy and hospitality. The noble Lord at the head of the Foreign Office concurred in the despatch of the expedition, and it never seemed to have occurred to him, or any one else concerned, that France or any other nation would be jealous because a squadron of small wooden frigates and corvettes was sent on such an expedition. But there was another side to the question. We were reducing all our foreign squadrons, and fourteen vessels of different classes were now on their way home from the China, Pacific, South Atlantic, Indian West Coast, and other stations. Therefore, while it was true that 2,500 men would be sent out, it was also true that 3,963 were being brought home, and therefore, our strength at home would be increased instead of diminished. It was to be remembered that a squadron was much more within reach than individual ships, and we were within a month's communication by telegraph with Australia, while we could telegraph to California or China in a day; and practically, the stations at which the squadron was to call were as much within reach as the Atlantic, if not more so, for the purpose of strengthening any distant place at which a force might be required. The despatch of the squadron was connected with a policy of reduction which would be approved on both sides of the House; and he hoped the explanations he had given would be deemed satisfactory.

## IRELAND—ROSCOMMON AND GALWAY LUNATIC ASYLUM.—QUESTION.

COLONEL FRENCH said, he wished to ask the Chief Secretary for Ireland, If the Lord Lieutenant is about to sanction the issue of money for the purpose of enlarging the Lunatic Asylum for the counties of Roscommon and Galway; the Grand Jury of the former county, at the last Spring Assizes, having unanimously voted against the proposed expenditure, and expressed their strong disapproval of the conduct of the Governors?

MR. CHICHESTER FORTESCUE replied that the amount asked for was something over £3,000, and the matter had been gone into in the usual way, without the Government having any right to interfere. It had not yet come before the Government in any shape; but the matter would be fully considered before they gave or refused their consent to the expenditure.

Resolutions *agreed to.*

## BANKRUPTCY (*re-committed*) BILL.

(*Mr. Attorney General, Mr. Solicitor General.*)

[BILL 97.] COMMITTEE.

[*Progress 15th June.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 130 (Compensation to holders of abolished offices.)

THE ATTORNEY GENERAL said, he rose to move the first of the Amendments of which he had given Notice—namely, in line 1 to leave out "where."

MR. SCLATER-BOOTH said, he wished to know if the Commissioners were to be allowed to retire on their full salaries. He could not think it advisable that any class of officials should be allowed to do this.

THE ATTORNEY GENERAL said, the 130th and 131st clauses had been amended with the consent of the Treasury. The intention was that the Commissioners only should have their full salaries, and that registrars and other officers, who held office during good behaviour, should have two-thirds of their salaries. He did not know what other employment could be tendered to the commissioners, who had held judicial offices, whose position, therefore, was different from that of the registrars. The whole amount of public charge which the clause involved was about £15,000 a year. He trusted the Committee would not see any difficulty in acceding to the proposal affecting the Commissioners; and that affecting the registrars and other officers could be discussed on the next clause.

MR. WEST said, he was at a loss to understand the distinction between the two classes of officers, for they both held their offices during good behaviour, and by the same title—an Act of Parliament; and the registrars acted for the Commissioners in their absence, and therefore performed judicial functions the same as the Commissioners. Both classes of offices also were freehold offices; and a man deprived of such an office was surely entitled to receive his full salary. There was no precedent for the distinction which it was proposed to make. The registrars had a right to complain of being taken by surprise by the Government proposing these Amendments at the last moment. He would ask the Committee to reject the Amendment.

Mr. G. O. MORGAN said, he quite agreed with the hon. Gentleman (Mr. West) as to the unfair way in which the registrars were treated by the provision in question. Most of those registrars were gentlemen who had given up lucrative professions for the offices they held.

Mr. DIXON said, he did not believe that the Attorney General himself could approve of the change made in the provision regarding those gentlemen. He (Mr. Dixon) felt it his duty to protest against it. Upon no rule or principle with which he was acquainted could such a change be made.

Sir ROUNDELL PALMER said, he was desirous of making his view of the matter perfectly understood. He did not hesitate to say that the rule laid down by the Superannuation Act was a good, convenient, practical rule, which might, with advantage to the public, be extended to all officers of all classes, to be hereafter appointed. But it could not, without breach of contract, be applied retrospectively to cases to which it was not at present legally applicable. It had been expressly stated, on the face of that Act itself, that it was not to apply to the class of judicial officers who were the subject of the present discussion. There were, he was aware, several Acts in which it was provided that gentlemen holding offices, of which the holders were paid by fees without salary, or by fees and a small salary, should receive compensation on their offices being abolished, at a rate which might be less than the maximum amount of the income actually received by them from all sources. But, in these cases, the public had entered into no contract for the payment of a fixed annual sum: nor had it undertaken to renounce its control over the regulation of the fees payable for business done, or over the distribution and supply of the business itself. There was not so much as one instance, that he was aware of, of the same thing being done upon the abolition of any freehold office paid by salary only. He therefore submitted that this was a matter of good faith with individuals who must be taken to have accepted offices on the understanding that they were to have the right of retaining them for the rest of their lives, subject only to the proper discharge of the duties required of them. The rule laid down in the Superannuation Act was a fair rule, but to make it applicable by an *ex post facto* law to officers who had accepted their appointments on the express understanding that they should not be subject to it was unjust, unless it could be shown that it had been the practice of Parliament to apply the same rule of compensation in such cases; but the practice of Parliament had been universally the other way. Several recent cases were known to him in which Parliament had given the full amount of salary, and there was not an instance to the contrary. By all means let them reduce the number of these cases to a minimum, by finding employment for those whose offices were abolished, and let it be now understood that, in future, offices abolished would be dealt with on the principles of the Superannuation Act, but let them not now apply its principles by *ex post facto* legislation to those who had accepted offices on the express understanding that they should be differently treated.

Mr. HENLEY said, he thought the Attorney General had placed the Committee in a difficult position, because he had first placed Commissioners and registrars on the same footing, and now he treated them differently. On behalf of the Government he asked them to do that which had never been done before. He (Mr. Henley) must protest against the injustice of the course proposed. He had failed to hear from the hon. and learned Gentleman any distinction between the two classes of officers, who held their offices on the same terms and conditions; and, if there were no such distinction, he saw no reason why the one class of officers should be treated differently in this matter from the other. As it was impossible to say how many more Bankruptcy Bills might year after year be introduced, it appeared to him that it would be wise of the Attorney General to introduce a provision into this Bill to prevent any inconvenience here after arising in respect to such questions as those they were now discussing.

Mr. G. GREGORY said, he concurred in the views expressed by the right hon. Gentleman (Mr. Henley). The question, after all, only involved a sum of £7,000 a year, being the amount of the one-third of the salaries of the registrars, which they would be deprived of by the proposed arrangement of the Attorney General.

MR. STEPHEN CAVE said, it was notably the duty of the Government to get the services of the country performed at a moderate rate; but, if in future bargains, the retiring pension were left uncertain, the present pay would have to be raised. Gentlemen often gave up good practice and promising careers for a modest certainty for the rest of their lives. He knew the case of a registrar who, in order to accept that office, resigned a professorship at an University, a revising barristership, and a recordership. The clause, as it originally stood, ought, in common justice, to be retained.

MR. T. HUGHES said, he thought that the same rule should be applied in dealing with officers whether they occupied the highest or inferior positions. He would urge the Government to withdraw their Amendments.

MR. MORLEY said, he should protest against such an arrangement as that every person employed in a law court, and whose office might be abolished, should receive his full salary for life, no matter how short the period of his previous service, from the messenger, in whose office he denied that there was any more a freehold right than there was in a situation in a warehouse, to the Commissioner.

MR. CANDLISH said, he had no wish to do injustice; but whatever might be the technical bargain there was no natural right to such compensation. There was a difference between the retirement of a man advanced in life, and that of a young man who could take his talents into the labour market. The case of a man who retired at the age of thirty should therefore not be treated so liberally as that of a man who retired at the age of seventy.

MR. AYRTON said, that he had been somewhat misunderstood on the last occasion on which he had spoken on this point. He had said that he thought it would have been better on the whole to leave the whole matter of compensation to be dealt with by the 131st clause. He must protest against the mode in which these claims had been urged. Was there ever any contract with these gentlemen that a court of justice should be maintained for their benefit? He thought that they were there to perform their duties for the benefit of the public, and there was no contract binding the country to give those who had held an abolished office their full salaries for life. The House of Commons was always clamouring for economy in the abstract, but still was ready to support individual claims for extravagance. At present the nation was paying £4,800,000 a year for non-effective services, and whenever the Government made any attempt at economy they were met by pretensions of freehold offices—pretensions which had no firmer foundation than the ideas of the lawyers, and were told they must wait for the next case. He proposed that the Committee should leave the matter open, and allow these compensations to be estimated separately, so that Parliament might not pledge itself to a highly dangerous principle. In dealing with the old Court of Admiralty the House had passed a clause leaving it to the Commissioners of the Treasury to award compensation.

MR. GATHORNE HARDY said, he thought that the lecture delivered by the hon. Member (Mr. Ayrton) fell upon the Government and not upon the House. Having warned the Committee that they ought not to give any compensations the hon. Gentleman desired that the question of compensation should be left to him. The hon. Gentleman accepted the claim of the Commissioners. Why? Because they held office during good behaviour. These offices had been erected by Parliament into freehold offices; and a few days since everybody supposed the Government was going to compensate on the principles laid down. The hon. Gentleman recognized the Commissioners; upon what possible ground, then, could he fail to recognize those who held their positions by the same tenure? He hoped that the Government would have too much regard to their own honour and to their own sense of responsibility to be diverted from their course by a subordinate Member of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, that this case was undoubtedly one of some difficulty, but it was also of much importance, involving general considerations of a very wide nature, and he therefore hoped the Committee would give him its attention for a few minutes. Everyone was anxious, of course, to do justice to those gentlemen who were to lose their offices, but justice must also be done to the pockets of the British tax-payers. Now, what was the real agreement between those gentlemen and the public? The position of the Commissioners was different from that of the registrars, inasmuch as the former held their offices during good behaviour, whilst the registrars could be dismissed for cause. These gentlemen were dismissible by the Lord Chancellor; but then came the legal superstition that the office so held was a freehold, and upon that superstition was based the monstrous conclusion that if the office was abolished the holder of it must continue for the rest of his life to receive his full salary. So that either the office must be perpetually maintained, though its use had passed away, or the person who held it was to become a public pensioner, discharging no duties, but drawing his full pay. But on what ground should such an inference be drawn? Was it a matter of law? The law afforded no countenance for any such notion. Was it justified on the ground of contract? The law of contract was altogether silent on the subject. In the case of land there was no question about the existence of the thing to be occupied, and the only question was who was to be the occupant of it; but an office might cease to exist. It really did not alter the nature of a thing whether you called it a freehold or anything else. No doubt these gentlemen had the right to be treated with the utmost fairness; the loss they sustained ought to be equitably estimated, and they should be paid accordingly; but beyond that they had no claim. There was no contract with them that the office should be kept up for their benefit after its use had passed away, or that if it were abolished, they should be maintained in the same, or rather in a better position. The compensation to which they were entitled would vary according to their age, and there was no fairer means of arriving at it than by referring all the claims to the consideration of an impartial tribunal. He thought it was high time that this general principle should be clearly established, however comparatively unimportant its application might be in the present case.

Mr. RUSSELL GURNEY said, that it was difficult to understand what the Chancellor of the Exchequer meant in arguing that they were relying on a technicality when an office held for life was said to be a freehold. In so calling it they were only using the term that had been applied to it for centuries. Now, what was the contract between those gentlemen and the public? It was defined in the words of the Act, which provided that they should hold their offices during good behaviour, and should only be removable for cause shown by a judicial officer acting judicially. If it now appeared that it was for the public advantage that their offices should be put an end to let it be done on the same terms as had always been observed in previous cases. When they took their offices they had the right to expect that they would be so treated. They had made a sacrifice of their professional incomes; it might as well be said that a late Cabinet Minister now in the enjoyment of a pension, could have returned to his profession as that some of these officers could do so. As a matter of law and justice, the Committee ought to adopt the clause in the form in which it was introduced.

Mr. WHITBREAD said, he agreed with the Chancellor of the Exchequer that nothing could be more absurd than that a person whose office was abolished should be entitled to receive his full salary. He might have been appointed only a few weeks, and yet he was to draw his whole remuneration to the end of his days. That was reducing the matter to an absurdity. But in this case he regretted that the Government had prevented the Committee from giving its adhesion to that principle, because their present proposal was to give full compensation to the richest officers, and only to reduce it in the case of the poorest. They also appeared most conveniently to forget that this was a Government Bill. It was unprecedented that in such a measure the Government, after introducing it, should propose in Committee to diminish the compensation. It was as if, when the Irish Church Bill was in Committee, they had come down with a suggestion that the vested interests — not of the Bishop, but of the curates — should be compensated on a reduced scale. While, therefore, he objected altogether to the principle that in cases where offices were abolished their holders were entitled to full compensation, he was unable on this occasion to support that principle by his vote.

MR. BARROW said, he would suggest that a fixed scale, applicable to all such cases, should be framed for future use, but it seemed to him that the House must now give the full salaries.

MR. GLADSTONE said, that the hon. Member for Bedford (Mr. Whitbread) spoke to them in the spirit of a line of Horace, not, however, satirically but practically, and that which was written as a sarcasm he converted into a recommendation—

"Quidquid delirant reges, plectuntur Achivi."

That was intended to ridicule the state of things in which the faults of rulers were visited on the people; but the hon. Member took the matter up at the other end, and said that because the *reges* in this case had committed a blunder, the *Achivi* must and ought to pay. He did not dispute the responsibility of the Government, but he thought that the right hon. Member for the University of Oxford (Mr. G. Hardy) had rather stretched the point. But whatever the immediate result of this discussion he for one rejoiced that that afternoon had witnessed the explosion of a great superstition. Law reforms had done much in other directions; but none of them—at least none of the legal profession—had come forward to demolish this superstition which the independence of the Judges—than which there could be no principle more important—had brought with it, and by which every officer, great or small, who only had the good fortune to tie himself to the tail of some Judge, great or small, had built up around him this sanctity of tenure, by which the public had been sconced generation after generation. He rejoiced to think that they had now at last nearly arrived at the end of the wearisome chapter under which he, as First Minister, and in other capacities, had so long groaned. For the future he hoped that while they gave reasonable and partial compensation—and partial compensation did not mean partial justice—to public officers whose offices were abolished, it would be understood universally that those officers were not entitled to anything more. The right hon. Gentleman the Member for Southampton (Mr. Russell Gurney), speaking with the authority of an oracle of the law, had addressed the Committee on this subject in language which he (Mr. Gladstone) confessed edified him little more than a foreign tongue. The right hon. Gentleman had declared that it was a "well-known" doctrine that offices held upon good behaviour were freeholds. But that method of argument was over-riding rather than convincing him. On the face of it assuredly there was no inherent necessity that such offices should be freeholds—nothing that conveyed to an ignorant, extraneous person like himself, any conviction on the subject. A freehold, he considered, was that which was held free—free from conditions. He could understand, indeed, that benefices in the Church were freeholds, although connected with the performance of duties, because the profession was primary and the duty secondary, and the possessor if unable to perform the duty did not lose the freehold. In the case before them the man would lose his office if he became incompetent to perform the duties; and it consequently appeared that the duties were at least placed upon a parity with the receipts. Therefore, when the right hon. Gentleman said that that office, which was voidable in the case of the non-performance of the duties, was a simple freehold, and that that was a question which it was totally useless for laymen to discuss, he would again tell him that he over-rode him by authority, but he did not convince his reason. The right hon. Gentleman said again that the terms of the contract were stated in the Act of Parliament. He had read that Act, and he found in it nothing whatever about the continuance of the office. There was no abandonment in it by Parliament of its title to repeal the Act; therefore, to say that the contract was silent was really to say that there was no contract at all in that respect. It seemed to him, moreover, that the advocates of the high doctrine of freehold had not been consistent with themselves. He thought his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) was one of the highest advocates of that doctrine, but yet he proposed to give other duties to the holders of those offices which were abolished. How was that consistent with the doctrine of freehold? Who was to be the judge whether those duties were consistent with duties which the officials had before performed. And he would tell the House not to rely upon the discovery of other duties for these gentlemen. If they chose to place the whole judicial patronage in the hands of some one body that they could call to account from the Treasury Bench for its administration, and if they made that body responsible for the appointments to be made, they might, perhaps, have some chance of having those dismissed gentlemen appointed to other duties. But he wanted to know where were the men to be found in any profession, whether, as Lord Chatham had said, it be "the sanctity of the law or the purity of the ermine," with whom it was a first thought to overlook the redundant list and see if they could find somebody upon that list who was already drawing emoluments on whom they could impose the burden of a vacant office, and thus convert their fine opportunity of conferring a favour upon a deserving friend into an opportunity for requiring a man to make a public sacrifice? His hon. and learned Friends behind him knew human nature too well to expect it. If they were consistent, however, in their doctrine of freehold, they could not force those gentlemen to accept other duties. He must now say a word for his hon. Friend the Secretary to the Treasury (Mr. Ayrton). His hon. Friend had fought a gallant battle for the Treasury, and it was his duty to do it. He must say for him what he (Mr. Ayrton) would not say for himself, and that was that, in the course of nine or ten years during which he (Mr. Gladstone) held the office of Chancellor of the Exchequer, when his hon. Friend was an independent Member below the Gangway, and at a time much more favourable for the purpose than the present, because it was a time when, not every, but almost every man in the House was pecking, more or less, at the public purse, his hon. Friend had never attempted so to invade the public revenues, and was always to be found in support of the Government in resisting those assaults. Therefore, if his hon. Friend was now keen in the same cause, he trusted that indulgence, and something more than indulgence, would be accorded to him for a fault which, if it were a fault, was not a very common one, and from which no great public mischief was likely to arise. The proposal which was made to the House on the one side, as he understood it, was, that whenever a man had an office, whether as messenger or anything else, and whether he were able to perform the duties of that office or not, he should continue to receive his salary for the whole of his life, subject to the chance of work being found for him. He thought that was too extreme a measure. With regard to the Commissioners to whom allusion had been made, their case was quite different. They had been, more or less, all their lives in the service of the public, and re-employment in their case was out of the question. And wherever that condition could be shown with regard to any man, be he a registrar, a messenger, or what you like, if he had reached a point in his life at which practically his re-employment was out of the question, the Government would be quite ready to give way in such a case. He trusted that this assurance would be satisfactory to his hon. and learned Friend (Mr. West); and he was ready, if the clause were postponed till Tuesday, to propose Amendments to the clause which they were about to consider, with that object. It was not correct to say that no objection was taken to the clause as it originally stood, for the late Secretary to the Treasury (Mr. Sclater-Booth) and the late Chancellor of the Exchequer (Mr. Hunt) both took exception to the payment of full salaries. If there was any jealousy of the severity of the Treasury he would consent to make it essential that the Lord Chancellor should be a party to its decision.

Mr. BOUVERIE said, the difficulty had been created by the conduct of the Government, who were not entitled at this stage to make the change proposed. The rule upon which the House had always acted in such cases was not without expediency. If Parliament dealt in a shabby manner with cases of this kind, they would find that such officers would exert their obstructive influences against reforms. Having offered liberal terms to these officials, and thus secured their support, the Government now turned round upon them and made proposals of an entirely different and very niggardly character.

Mr. WEST said, that if Her Majesty's Government were really prepared to postpone those clauses till Tuesday next, and deal with the question then, it would be most unreasonable to press the matter now to a division.

MR. HUNT said, he thought the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) was too hard upon the Government. What had happened was that those clauses had been framed without due consultation with the Treasury; and, when they had come to be considered by those whose duty it was to look after the public purse, it was found that they were such as the Treasury could not agree to. The same thing had happened with a Bill of a similar kind when he was Secretary to the Treasury; and it was then his duty to state to the House that, as Secretary to the Treasury, he would not be able to afford the terms of compensation which one of his Colleagues was proposing to give. He quite concurred with the doctrine laid down by the right hon. Gentleman at the head of the Government, that a man should not be paid his full salary for doing nothing.

MR. JESSEL said, that nothing was so plain as that those offices were freehold offices, and that the word freehold applied to an office was no myth. Again, nothing was plainer to his mind than that all freehold offices originally had duties assigned to them, and the fact of the office being freehold did not entitle the holder to his salary. This right depended upon a contract. He came then to the Government proposition—If they broke a contract, what ought they to pay to those who suffered by the breach? Now, the contract in this case was express and clear, and it was a well-established principle that in such a case the compensation should be varied according to the amount of injury received, and that the damages ought to be assessed by a jury. Upon this principle the proposal now made by the Government appeared to him to be perfectly satisfactory, because it proposed that the compensation should be assessed by the Lord Chancellor, who was the highest authority known to the law, and he would have the Lords Commissioners of the Treasury associated with him as a sort of jury. The principle argued on the other side of the question by his right hon. and learned Friend (Mr. Russell Gurney) was one not of principle, but of practice. He said that for centuries, whenever they abolished offices of this kind they gave to the holder an annuity equal to the amount of the salary he received; and relying upon that practice, persons had been induced to accept offices in the hope that if they were abolished they would not suffer. He had heard no satisfactory answer to the appeal made to the Government, and grounded on this argument. If the Government thought the principle now acted on was wrong let them abolish it for the future; but let them act generously and liberally so far as the present and the past were concerned. He regretted that the appeal had not been met exactly in the spirit he hoped; but still he thought that after what had fallen from the right hon. Gentleman at the head of the Government substantial justice would be done. With regard to future appointments, he hoped that no expectation of life annuities would be held out.

MR. DENMAN said, he regretted to hear his hon. and learned Friend (Mr. Jessel) express himself as willing to accept the proposition of the Government, which was a departure from the principle on which these questions had always hitherto been settled. It was a very hard thing to consign gentlemen who had considered themselves holders of freehold offices to the tender mercies of the Secretary to the Treasury. He thought a wider and more generous view had been taken by other Members, and especially by the hon. Member for Birmingham (Mr. Dixon), who had made a manly and able speech though he was no lawyer. He knew what would come of the arrangement proposed by the Government. Some gentlemen would be put to the expense of engaging counsel and paying heavy fees to argue their case to show that they were entitled to the full amount of their salary. He should regret if he had to go into the Lobby against the Government, but he could not assent to a breach of faith; but, if a division took place, he should vote against the proposal now made. If, however, no one thought it worth while to divide the House in favour of giving these officers a retiring pension equal to their full salaries, he would suggest that at all events a man who had held office for a certain length of time—say, fifteen years—should be entitled to his full salary. His hon. and learned Friend the Attorney General offered to introduce some provision of the kind, and with that pledge he must rest satisfied.

Lord GEORGE CAVENDISH said, he hoped that some Members not lawyers would be found who would support the Government in their attempt to enforce some economy. There was too easy a disposition on the part of the House of Commons to grant compensations. He supposed if they were to take a sheet of paper as large as the floor of that House it would not suffice to write upon it the names of those lawyers who were superannuated, and the amount of the compensations they received for the abolition of offices. He should be glad to know why such extraordinary concern was shown for a profession so well able to take care of itself. He was old enough to remember the compensations of the officers of a private court. The Government proposed a reform in that court, and all officials who were afterwards appointed received their appointments with the intimation that there would be no compensation. But the reform was not carried out till ten years afterwards, and then they were compelled to compensate the very men who had been told they were to receive no compensation. When the dockyards were lately reduced all the compensation the labourers who were not wanted received was a free passage to Canada. It was lately said by the Attorney General that there could be no real reform of the Bankruptcy Court unless there was a clean sweep out of all the officials. If that were so, he thought the Government ought to give them, too, a free passage to Canada.

Mr. WEST said, he thought that the clause should be postponed and brought up on Tuesday on the Report.

Mr. HIBBERT suggested that full salary should be allowed to those who accepted other duties, and two-thirds only to those who would not.

Mr. HUNT said, he wished to know what was the exact proposal of the Government on which they were to divide.

The ATTORNEY GENERAL said, it was proposed to give the Commissioners their full salaries, as other employment could not be given to them; and that the registrars, messengers, and assignees should certainly have two-thirds of their present salary, with the understanding that if the Lord Chancellor and the Lords Commissioners of the Treasury thought any of them entitled, on account

of their age and service, to their full salaries, they should have them.

Mr. HUNT said, he had understood that the Government would frame a clause to place all the officials on the same footing, and that, whether they received their full salaries or only a portion of them, they were all to be dealt with in the same way. He did not see why some of the Commissioners should not undertake other duties, for instance, County Court Judgeships.

Mr. GLADSTONE said, that in omitting that consideration he was thinking of the London Commissioners; but, as regarded some of the younger country Commissioners, it would not be unfair to require that they should undertake such judicial duties as were offered to them; none that were unworthy would be offered them; and, of course, the Government would be bound to take care that they were not asked to accept an inferior salary.

Mr. RUSSELL GURNEY said, he thought that after the explanation which had been given by the Government, it would be useless to go to a division.

Sir ROUNDELL PALMER said, it appeared to him that the proposal of the Government was calculated to do substantial justice to all parties, and that was the only thing he had contended for. Those who had served a certain time, and could not be expected to accept other duties, were to have their full salaries, unless the Lord Chancellor and the Treasury saw reason to the contrary.

Mr. ANDERSON said, he thought that after what had fallen from the right hon. Gentleman at the head of the Government, and from other hon. Members, the simplest remedy would be to adopt the Amendment which stood in his name—namely, to leave out the clause.

Mr. WHITBREAD said, he thought the wiser course would be to postpone the clause.

Mr. HUNT said, he wished to point out that the Government were not prepared with an Amendment in relation to the future employment of the country Commissioners.

Mr. DENMAN said, he hoped they would not go to a division on the point in question.

Mr. GLADSTONE said, he would remind the Committee that the question before them was the 130th clause. The time had not arrived for an expression of opinion on the point referred to by the right hon. Member.

MR. HUNT said, he doubted whether anything would be gained by going on till hon. Members could see the whole scheme of compensation in print.

MR. GLADSTONE said, he must admit that the Government had no reason to complain of the spirit in which the discussion had been conducted, and as the general desire of the Committee seemed to be in favour of a postponement of the clause, he should not object to it.

House *resumed*. Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## THE FRENCH TREATY.

### MOTION FOR A SELECT COMMITTEE.

MR. STAVELEY HILL said, he rose to move for a Select Committee to inquire into the operation of the French Treaty, particularly as it affected the silk manufacture in this country. The silk manufacture was divided into two branches, one the manufacture of broad silks, which was carried on in Macclesfield, Spitalfields, and Manchester, and the ribbon trade in Coventry. It was introduced into that city towards the end of the 17th century, where it flourished up to 1860 — the period of the French Treaty. The trade had long prospered in this country under protective duties. In 1824, however, Mr. Huskisson altered the duties, imposing in lieu an *ad valorem* duty of something like 30 per cent; and this, in 1846, was reduced to about 15 per cent by Sir Robert Peel. The arguments on which these reductions were made proved to be sound, and the silk trade continued to flourish up to 1860. In 1829, the population of the city of Coventry was 16,000; in 1831, it had risen to 20,000; and in 1859, it amounted to about 41,000; but the silk district, of which Coventry was the centre, had a population of about 70,000. Nearly eighty firms were engaged in the manufacture of ribbons at this time, having 1,000 to 2,000 looms in factories, employing some 3,000 persons, who were paid from 5*s*. to 30*s*. per week. Besides this—and it was a special feature of the city—there were from 2,000 to 3,000 looms, the property of the working weavers themselves, and worked in their own houses. These looms cost £40 each, representing a capital of £120,000; and he estimated the other necessary machinery—winding engines and filling wheels—owned by these workmen at £10,000. This was the state of things in Coventry when suddenly the French Treaty came upon them, and immediately the ribbon manufactories fell from eighty to twelve, the weekly wages from £12,000 to £3,000; the trade returns from £3,000,000 to £1,000,000 in the following year; and the manufacturers' stock, estimated the night before the Treaty at £800,000, fell 25 per cent; and, in the years that followed, wages decreased from 20 to 30 per cent, and this independent of those who were driven away from the city altogether. The dispensing of out-door relief increased alarmingly, for while £10,000 was the sum of the relief granted during the eight years ending with 1860, the sum dispensed in the eight succeeding years was £41,000, and this was supplemented by a national subscription of another £40,000. The effect of the Treaty upon Macclesfield had been to decrease the trade 25 per cent, and there were at present 1,500 empty houses in that town, and the population had decreased 7,000 out of 35,000. The French Treaty fell upon the prosperous silk trade without a note of warning; although, as we now know, it had been in negotiation during the whole autumn of 1858, but it had been kept completely secret. But in January, 1860, the Mayor of Coventry, having seen the Treaty announced in the *Independance Belge*, wrote to Mr. Ellice, the then Member for the city, and called his attention to the circumstance; but so secretly had it been negotiated, that he wrote back saying there was not the slightest reason to believe that any such Treaty was on the point of being contracted. Yet, three weeks afterwards—and it would have been earlier had not the right hon. Gentleman now at the head of the Government been indisposed — it was announced to that House. Early in February, 1860, the right hon. Gentleman came down to the House and announced that which he said "would cause a thrill from one end of the country to the other," that the Government had ratified a commercial Treaty with France. By the first article the Emperor of the French engaged that the duties on the importation into France of—among other things — silk goods manufactured in England should not exceed 30 per cent, But how was it with regard to similar goods coming into England? Her Majesty engaged to recommend to Parliament to abolish altogether the duties on the importation of French silk goods into this country. Coventry was hardly treated in other respects, for the silk trade was specially exempted from the 14th Article, which gave, with regard to all other articles which came under the Treaty, an interval of two years, during which half-duties were to be levied. So the duties on silk goods coming into England from France were abolished in the March following. He would now ask the House to listen to the manner in which that Treaty was brought about. It had been described by M. Michael Chevalier, who, in a letter addressed to Mr. Bonamy Price, Professor of Political Economy at Oxford, said he had a conversation with Mr. Gladstone, then Chancellor of the Exchequer, on the 15th of October, 1859, and told him that, although he had no power to treat, certain circumstances induced him to think that the Emperor would receive with favour the proposal of a treaty, especially if it were to abolish the high duties that were levied on an important industry in France—that of silks. Mr. Gladstone answered that England would repeal the duties on all articles manufactured in Paris and Lyons, especially on silk, gloves, shoes, and the articles particularly described as "articles of Paris." "Everything was settled between the Chancellor of the Exchequer and me in three-quarters of an hour." M. Chevalier added that he next saw Mr. Cobden, and arranged to meet him in Paris, but to travel thither separately, in order not to attract the notice of the Prohibitionists. The silence recommended by the Emperor was well kept by all, the notes of M. Rouher being copied by Madame Rouher, while those of Mr. Cobden were written out fair by Madame Chevalier. M. Chevalier added that judging from some recent acts, the zeal of the Imperial Government in behalf of Free Trade seemed to have considerably cooled, and he asked—"Is this a simple accident of politics or a relapse? Time will show." It was clear, from this letter, that the silk trade in England had been sacrificed in order to get the Emperor to agree to the Treaty. The whole negotiation seemed to have the character of a plot rather than an act of international legislation. He remembered a caricature which came out at that time, and which represented the silk trade as being thrown in as a sop to the Cerberus who was guarding the French Empire. He believed that if Mr. Cobden were living now he would be the first to agree to a Motion for the re-consideration of the subject, because he only accepted the French Treaty as a lesser evil, in order that it might lead to a greater good, which it had not done. The present Session was peculiarly appropriate for the re-consideration of the Treaty, because the Treaty came into force in February, 1860, and was to last until February, 1870, and after from year to year, unless notice be given of its revision. It might be said that there were other causes which had led to the depression of the trade — such as the changes of fashion, the increase in the price of the raw material, and the closing of the American ports, which had led to the flooding of the English market with French and Swiss goods. This was not so. So far from there having been any decrease in the manufacture and use of silk, there was a far greater quantity of manufactured silk and silk ribbons used in England now than there ever was before, only the figures had changed places. The quantity of silk imported into this country from abroad before the French Treaty was the quantity now manufactured here; while the quantity now imported was considerable greater than that manufactured here before the Treaty. He held in his hand statistics to show the effects of this Treaty on the silk trade. It appeared that in the eight years preceding the French Treaty, we imported of silk and satin ribbons from France, 1,575,000lbs; and in the eight years succeeding that Treaty — namely, from 1861 to 1868, there were imported into this country from France, 5,618,852lbs; being an increase of 4,043,000lbs—that was an increase of 250 per cent. And, in respect to broad silk, such as that manufactured in Macclesfield and Spitalfields, the importations from France for the eight years preceding the Treaty, amounted to 1,925,000lbs; whereas, for the eight following years, the imports had reached 14,863,000lbs; being an increase of 13,000,000lbs, or upwards of 650 per cent. It was pretty clear then that there had been no decrease in the use of ribbons or silks, and there was, therefore, nothing in the argument that there had been a change of fashion, or that the American War or any other cause had led to a falling off. The figures have simply changed places, and the foreigner now manufactures and exports to England that which England formerly manufactured for herself. The evils of the present system would be apparent when they examined the details of the manner in which silk goods exported from this country into France were dealt with under the Treaty. Upon pure ribbons there was a specific duty amounting to 3¾ per cent, upon black ribbons, 7½ per cent, and upon elastic goods from 10 to 12½ per cent. But that hardly represented the effect which had been produced upon Coventry. Coventry had been especially hardly dealt with, for whereas all nett silk went duty free into France—these being articles in which, practically, we do not compete with her—ribbons, even of nett silk, were specially exempted, and were made liable to the duty, and there was a duty rising from 3¾ per cent to 10 or 12 per cent upon all ribbons imported into France; yet every one of these, under this Treaty, came into England duty free. Nor was this the worst part of the Treaty as it affected the silk trade. The principal part of the trade in which England was most capable of competing with France was in those goods in which there was a mixture of silk with cotton. While silk goods mixed with cotton came into England duty free, there was a duty of 10 per cent on articles exported from England in which the silk predominated over the cotton, and of 15 per cent upon those in which cotton predominated over the silk. This was found to be a duty which amounted, in point of fact, upon this great industry in England, almost to a prohibition. There was another matter with regard to the provisions of the French Treaty to which he would also draw the attention of the House—namely, the injustice of specific duties. The duties levied were specific duties, or duties on the goods per weight; and this great inequality arose with regard to all specific duties. Suppose that goods weighing 10 kilogrammes pay 10 francs duty, and are worth 100 francs, this is equal to 10 per cent. But if the value of the goods rose to 150 francs, then the duty was about 6¾ per cent; while, if the value of the goods was depreciated from 100 francs to 50 francs, the duty became 20 per cent. Thus, whenever the trade was depressed, the duty increased, and fell when prices were high. The question then arose, whether, under all these circumstances of inequality and unfairness, it was worth while to have any treaty at all? Was any treaty worth preserving, by virtue of which, upon articles in which France could very well compete with us, they levied a duty on us, while we were prevented from levying a duty upon them? Let us follow up, as Mr. Cobden said, the work of Free Trade, but do not let it be all upon one side. He knew it had been said that with regard to the silk trade that the silk trade might have suffered, but that other trades had been benefited. But was it the fact that other trades were benefited to an extent that would compensate for this particular injustice? When the French Treaty passed, the cotton trade, the woollen trade, and the linen trade, in the absence of good textile machinery in France, increased their exports by 15 per cent, in spite of the duty on the importation of these articles into France; but now that France had got textile machinery of her own, the statistics would show how, under this Treaty, these trades could hold their own. In 1866 there were imported into France of cotton manufactures 56,343,372 yards; in 1867 that was reduced to 41,147,794 yards; and, in 1868, there was a further reduction to 38,593,729 yards; showing a decrease in the course of two years of 25 per cent. Of linen manufactures there were imported into France from England, in 1866, 5,637,477 yards; in 1867, 4,976,933 yards; and, in 1868, 3,752,756 yards, showing a decrease of 30 per cent. Of woollen manufactures there were imported into France, in 1866, 4,664,129 yards; in 1867, 7,560,016 yards; but, in 1868, the figures woefully changed, showing a depreciation last year over 1867 of no less than 75 per cent. He did not think, then, that it could be said, that these figures showed any advantage which other trades had derived from the operation of the French Treaty. The Board of Trade and Navigation Returns, and the whole balance of trade between England and France, gave similar results, the Returns for 1867 showing that the French imports into this country, after deducting the raw and part manufactured articles, were £30,000,000 against £13,500,000 of English exports into France. These facts, he contended, showed the necessity for some inquiry. It would be said that the result of agreeing to his Motion would be an expression of opinion in favour of returning to some system of protective duties, but it was not with that view he asked for a Committee of Inquiry. He thought no country could be great which did not import all raw material duty free. He would not mix up Protection with this subject, but he would say to France that if she would not admit our goods on fair and equal terms with her own, either the Treaty should be abolished, or £10,000,000 worth of our coal should not go to assist the manufactures of France, or an alteration should be made in the light dues. We had given away so much to France that we had made ourselves poor indeed; still he hoped we had something yet left to offer or withdraw in order to induce France to admit our goods on the same footing that we had admitted hers for the last ten years, especially as it would be found that these duties pressed in a vital way upon our commerce. The cry of the silk trade simply was—"Give us reciprocity." He entreated the House to grant the inquiry. If the working men employed in the silk trade were wrong in attributing their sufferings to the French Treaty, it was deeply important that their error should be corrected. Throughout the whole of their losses and miseries they had borne themselves as loyal subjects, and he hoped that if the Inquiry were granted they would yet see a more prosperous day.

Mr. EATON, in seconding the Motion, said, he had to ask the indulgence of the House for a few minutes. It would not be necessary for him to enter at any length into the details of this subject, or to follow his hon. and learned Colleague through the various reasons which he had given for having brought this matter under the consideration of the House. It would be sufficient for him, as a practical men, and as one who perhaps had as large an interest in the welfare of the silk trade of this country as anyone, to say that with those details and those reasons he entirely concurred. Upon one point he might, however, be allowed to say a few words. There could be no doubt that the inequality of duties as imposed by the French Commercial Treaty had worked most injuriously to their trade. He thought he could not better prove this fact than, with the permission of the House, by quoting a few figures which he had taken from a table that he himself published for many years, showing the imports, exports, and consumption of raw silks in this country. He would take, for example, the year 1859, the year preceding the French Treaty, and he found the consumption of raw silk in this country in that year was 7,376,240 lbs. against an export of 2,000,000 lbs. In the past year, 1868, these figures have been nearly reversed; for he found the consumption at home now only 2,134,204 lbs. against 4,050,000 lbs. sent out of this country. But unfortunately this is not all, for the working of this Treaty has enabled the foreigners to compete with us in every market in the world. In China and India they have been carrying on a very considerable business in silk, a direct trade nearly unknown to them before the operation of this Treaty. In Manchester, before the passing of the Treaty, there were between thirty and forty silk manufacturers employing a large amount of labour and capital. They were now reduced to five or six, and those employing their workpeople only a part of their time. In Macclesfield a similar diminution in the consumption of silk has taken place; and in Coventry, the city which he had the honour of representing, the ribbon trade has equally suffered. But, further, he might add, what was perhaps more within his knowledge than it could be within that of his Colleague, he could assure the House that, as far as he had been able to ascertain, the trade was unanimous in asking for this inquiry. At a meeting held at his offices in the City, in the early part of this week, there were present most of the leading members of the silk trade in all its branches. They met for the purpose of pressing upon his Colleague and himself the incoeasing necessity for this inquiry. They were men of different political feelings; but they were all united in urging, as he did now in seconding this Motion, the great necessity which exists for an inquiry, with a view to the revision of a Treaty which has worked so injuriously and so unjustly to the silk trade of this country.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report upon the operation of the Commercial Treaty with France, ratified the 13th day of January 1860, and particularly as it affects the Silk Manufacture in this Country,"—(*Mr. Staveley Hill,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BROCKLEHURST wished to say a few words, as he was engaged in the silk manufacture, and a large employer of labour. In 1824, when Mr. Huskisson initiated Free Trade, 300,000 persons derived employment from the manufacture of silk goods in this country, but since 1861 not half that number had been employed. He could not think Mr. Cobden contemplated such an event as the outbreak of the American War when he pressed for the French Treaty, or he would have foreseen the recent flooding of the market with French goods, which would otherwise have been absorbed by the United States. He urged the appointment of this Committee of Inquiry, not because he desired to return to a policy of Protection, but because he hoped some means would be discovered of remedying the evils which the present defective system of Free Trade produced. The speech of the right hon. Gentleman at the head of the Board of Trade, in which he proposed to give the working men a free breakfast table, had given great satisfaction; but the Free Trade tea and sugar would be of little use to the working man unless he had employment.

MR. ASSHETON CROSS said, that the question was of great interest to a number of his constituents, because they had found that from the date of the French Treaty there had been a gradual but constant diminution in their trade. In fact, in Lancashire the silk trade was almost at a standstill. He had voted for the French Treaty against the wishes of his political friends when he before had a seat in this House, and would not annul it without an effort to remedy its defects; but these defects were so glaring, and the distress in our silk manufacturing districts so painful, that an inquiry was absolutely necessary to see whether some means could not be suggested to put an end to the anomalies complained of. If nothing were done to secure this end, he would bring the whole matter before the House. He did not think the right hon. Gentleman the President of the Board of Trade would object to an inquiry. The value of silk goods imported, in 1858, was £3,235,000, and that had increased to £10,214,000. On the other hand, the silk goods exported from this country had decreased in a still greater ratio.

MR. CHADWICK said, that in supporting this Motion he had not deserted his Free Trade principles, nor did he ask the Government to give up these doctrines. He regretted that the hon. Member for Coventry (Mr. Staveley Hill) had referred in an irritating manner to the history of the Treaty. He (Mr. Chadwick) only asked the House and the Government to agree to a Committee to inquire into the operation of the Treaty. The silk trade of Coventry, Manchester, and Macclesfield was in a state of the most serious depression at the present time, and he wished the facts to be laid before the country in order to see whether the French Treaty might not be modified so as to remove the present depression, and he believed that this might be done by a few simple modifications in the Treaty which would not injuriously affect any of the great interests concerned. The French admitted silk goods which were made of pure silk free of duty, but taxed those mixed with cotton. Now, the staple trade of Macclesfield was the manufacture of silk containing a portion of cotton, and if the French Government could be induced to admit the mixed silk on the same terms as the pure, the injurious character of the Treaty would be to a great extent removed.

MR. WHEELHOUSE said, he hoped the inquiry would be granted, and that it would embrace the manner in which not only the silk trade, but also the worsted and woollen trades were affected by the Treaty. Thoroughout the manufacturing districts in the North of England there was a strong desire that something should be done to remedy that want of reciprocity which they all felt.

Mr. BRIGHT: Sir, I shall not attempt to follow the hon. and learned Member for Coventry (Mr. Staveley Hill) into the history of what he was pleased to call the plot by which the French Treaty was obtained. I think I know as much about the history of it as any Member of the House, and as I believe it was of the greatest benefit, so I believe that nothing was ever more honourable to all the parties concerned than the manner in which it was accomplished. The hon. and learned Member alluded to the suddenness with which the French Treaty came upon his constituents, and on this account considered them as harshly treated. But if there be one thing more acknowledged than another by all persons conversant with these affairs, it is this, that the kindest way of dealing with a trade in which a change of duties is contemplated is to make that change suddenly. If twelve months' notice had been given to the manufacturers of silk in this country that, at the expiration of that time, French silks would come in free of duty, there would have been a complete paralysis of the trade for twelve months. Nobody in England, speaking generally, would have bought English silk goods, because they believed French were much better and cheaper, and the stock would consequently lay on the manufacturers' hands. And, in the meantime, French manufacturers, expecting the opening of a new and great market, would have prepared large quantities of goods to throw into this market in a moment; and the two processes would have been followed by far more damaging consequences than those which resulted from a sudden transition. I will not dispute with the hon. and learned Member as to whether it would be better to have no Treaty at all than that we have, and will simply say he very badly represents those who sent him here if he supposes it would be better the present Treaty should be abolished. The hon. and learned Member had better rest content with the ills he has than fly to others which he seems to know not of. His speech was of a kind we heard frequently some ten to twenty years ago. It was a speech of pure Protection, for he seemed to think there was no remedy for the evils he complained of but a return to the protective system. No doubt, the inquiry he asks for would produce some facts, certainly some arguments, which would be curious in their way; but no man in this country who knows anything of trade can doubt for a moment that the French Treaty has been of great advantage to this country. I will say, if you like, of not smaller advantage, perhaps of greater advantage, to France; that it has been one of the most beneficent measures the House of Commons has accepted for many years I am perfectly convinced, and that is the opinion of the majority of educated men in the country. Now, it may be stated, in the first place, that the trade between the United Kingdom and France has been more than doubled by the operation or since the passing of that Treaty. The annual imports into this country from France seven years before the Treaty were from £12,000,000 to £13,000,000 sterling; and for the seven years since, from 1861 to 1867, they were about £27,500,000. The exports show an increase from £10,000,000 to £23,000,000—so that the increase is considerably more than double. The hon. and learned Member may say these exports do not represent manufactures only; and he would be quite right, because cotton, for instance, comes from the United States to Liverpool, and, being purchased by French spinners, is re-shipped to France. But the annual average for the seven years before the Treaty of actual English manufactures was about £5,000,000, and of the seven years since at least £10,000,000; therefore, whether we look at the whole of the exports and imports, or those purely the produce of the United Kingdom, we find a large and very satisfactory increase. And from the year 1854, when the first reduction took place, the exports have increased three-fold. In silks the goods which come here from France amounted to £4,500,000 per annum in the seven years before the Treaty, and in the seven years since to £7,750,000; showing a large increase, and fulfilling the expectations and desires of the people of England. If there had not been a large increase, the Treaty would be as waste paper, and we should have been disappointed. But let me show the House something respecting a point the hon. and learned Member did not refer to, and that is, that although the French have sent here an increase of rather more than £3,000,000 per annum of silk manufactures since the establishment of the Treaty, during the same time they have exported to the United States nearly £3,000,000 less than they did before; that from 1854 to 1860, the seven years before the Treaty, the French exports to the States were £4,100,000, and that during the seven years since the annual exports to America were £1,400,000, showing an actual decreaseof £2,700,000, which goes a long way to balance the extra trade they have done with us, amounting to £3,200,000. I think there has not been any increase at all of silk manufactures exported from France, for I find that from 1854 to 1860 the total exports from France were rather more than they were during the seven years since the Treaty—that is, they were £16,500,000 in the former seven years, and £15,968,000 in the latter, showing a decrease of more than £500,000. This proves that there has been no great increase in the silk trade in France; and we are led to the conclusion that there has been some great influence at work in France, as well as in England, to produce great disaster to the French trade as well as the English, and that both countries would have suffered from these influences if the French Treaty had never been imagined. The hon. and learned Member says—"Let us not have excuses that there is dearness of silk." The hon. and learned Member does not use much raw material in his profession, but if he was a manufacturer of cotton he would know that during the last eight years the diminished supply of cotton has brought ruin to the trade of Lancashire, and that hardly anything which has befallen the silk trade can be said to be as disheartening as what befell the cotton trade during those eight years as simply the result of the high price of raw material. The hon. and learned Member's Colleague (Mr. Eaton) knows perfectly well that, in 1867, the price of raw silk was just double what it was in 1855: and when an article of that costly nature, even at the cheapest, is doubled in price, only conceive the loss; why, there must be almost nothing left for wages and profit, and thus we can readily see what a great effect the high price of the raw material has upon the trade. The hon. and learned Member says—"Do not tell us about the American market;" but the American market was a very great one for France; in 1856 the French export of silk manufactures to America were not less than £10,500,000; in 1863 they fell to less than £1,000,000; the annual totals run £10,000,000, £7,000,000, £5,000,000, £8,000,000, £6,000,000, £1,000,000, £1,000,000, £970,000, £1,000,000, £1,500,000, and £3,500,000. Thus the failure of the American market has had the greatest possible effect upon France; and it is not Coventry, Macclesfield, and Spitalfields alone that have been suffering, St. Etienne has suffered as much. The distress in Lyons for several years past has been somewhat painful. Nor has the American failure had no effect upon our silk trade. The goods the French were accustomed to send to America and had prepared for the purpose came here; no doubt the export to this country was increased by the abolition of the 10 per cent duty, but the main cause was the shutting of the American market, and the result has been the distress which I deplore as much as any man. It is a curious fact that, since 1860, the actual export of silk manufactures from England seems scarcely to have fallen at all, notwithstanding the greatly increased imports from France. During the seven years, before 1860, our exports were £1,500,000, and during the seven years since they were £1,327,000—a decrease of not more than £150,000. I am, therefore, brought irresistibly to the conclusion that dear silk and the American War, and after the American War a war against trade, scarcely less destructive, the war of the American tariff, all have been causes of this depression. In opposition to the hon. and learned Gentleman, too, I am informed that there has been a very great change of fashion, which has had something to do with the sufferings of his constituents. Perhaps the hon. and learned Gentleman dates his knowledge of the Coventry district from the day of his election; but if he has gone back for a longer period he will know, as his Colleague does, that during the last fifty years there has been no trade which has been the subject of such fluctuations as the silk trade, and no other trade which has so often come to this House, and sometimes to the Palace, to ask for relief. Frequent appeals have been made to the leaders of fashion to stimulate the trade. I am not here to deny the existence of sufferings in the silk trade. I have acquaintances and friends in Manchester and Coventry in that trade, nor do I deny that the French Treaty has added to those sufferings; but I say this combination of circumstances is sufficient to account for almost all we have seen, and when these circumstances disappear, in all probability we may find in all these centres of the silk trade some considerable and early revival. Perhaps the House is not aware that the silk trade was treated much more generously by the Treaty than any other trade; goods made of pure silk in which, no doubt, the French thought they could beat us, are admitted free, and it is only on the mixed goods a duty is imposed. And it may be new to some hon. Members that we get a large quantity of our ribbons from Switzerland free of duty, and the 3¾ per cent on foreign ribbons imposed by France is much more directed against Switzerland than us. To think the abolition of the 3¾ per cent of duty would make a difference is an idle dream, which no intelligent man should foster. But I believe these times of suffering are passing away already. I have had a letter from one of the most extensive and influential manufacturers in the neighbourhood of Manchester assuring me that he is satisfied with the prospect of things. He says—"The Treaty was a serious thing to us, because it came combined with other things for which none of us looked;" but he expresses a belief that the silk manufacture is likely to do much better now than it has done for many years past. The hon. Members for Macclesfield (Mr. Brocklehurst, and Mr. Chadwick) might have told us that things were looking better. It is perfectly well known that there has been a revival of the Coventry ribbon trade; for the manufacturers there have discovered how to meet the competition of the Swiss by dyeing the goods in the cloth instead of dyeing them in the yarn as the Swiss do, and they have much improved the manufacture of what were called gray satins, in which the Swiss defied competition. The hon. and learned Gentleman certainly comes here with this piteous complaint at a very inopportune time; we know that, at this moment, a hopeful feeling enlivens his constituency, and I think the circumstances certainly should have prevented him making so dismal a story. Now, as to an inquiry. The Government can have no object in doing anything but the best for the trade of the country in its power; the facts are all known; the hon. Members for Macclesfield and Coventry are both largely concerned in the silk trade, and could tell us all we wish to know of the exports and imports that we may not be acquainted with already; if, however, there is anything they cannot tell us, I am sure I could find some one in the Board of Trade who would help us. If we had a Committee, we should find that there was a duty of about 4 per cent on pure silk goods, and that on silks mixed with cotton there are higher duties, which I much regret; it is not to be expected that the French Government are willing to undertake a general reduction of their tariff; and it is not to be expected that while the French charged a duty on woollens and cottons any result would be obtained by a Commission recommending the reduction of duties on silks mixed with cotton. I must express my deep regret that the hon. and learned Gentleman has made it a question of Protection. [Mr. STAVELEY HILL made a gesture of dissent.] Well, the hon. and learned Gentleman spoke of having a heavy weapon in his armour; at least I know he used two or three metaphors about this matter, pointing to the recommendation that if the French did not do what we wanted them to do, we were to do something which would be very unpleasant to them; in fact, that we were to threaten to put on some heavy duties. But some of the hon. and learned Members' constituents have called upon me at the Board of Trade. I think the chairman of the Coventry Chamber of Commerce was among them, with other intelligent gentlemen, and though they were not all of this political party, there was not one of them for a moment dreaming of a return to protection for improving the trade of Coventry. All that they asked for was that the Government should endeavour to get the small duties, principally on ribbons, removed, and the duties on mixed goods reduced, by making representations to the French Government. Now, that is exactly what the Government would try to do any day if it thought such a thing could possibly be done. The hon. and learned Member must remember that Protection in France is as strong now as it was here thirty years ago on those Benches where he sits, and it is not a case that can be met by such inquiry as he asks for. Although, at this period of the Session, it would not be desirable to have an inquiry at all, still, if any advantage were expected from it, I would recommend that it be not confined to the silk trade, but should be on some broader basis. I think, however, it would be better to postpone it until the beginning of next Session, when there would be time to consider the question properly as affecting the whole of the interests touched by the Treaty. I, therefore, ask the House not to consent to an inquiry now, and not to consent to an inquiry at all specially directed to the silk trade, because the effect of it would be most unfortunate even to all those connected with the trade. Should this inquiry be granted, we should have in all those centres where the silk trade is carried on, hopes stimulated which would never be realized. It may be presumptuous in me to complain of the conduct of the hon. and learned Member, but I cannot refrain from observing that it is the duty of Members of this House, who are chosen men, never to mislead the people, to whom we are accustomed to speak at our elections; but that we should, if possible, lead them on to the conception of and appreciation of sound principles;—[*Opposition Cheers.*]—I am glad to find a general assent to that proposition, but the hon. and learned Gentleman, in the speech which he made now nearly a year ago, made some observations which I think, if he will allow me to say so, would have been better omitted; and on the 4th of June in this year he said—

> "I shall bring the subject before the Government and the country, and see whether I can wring from those in power—for that is the only way in which it can be obtained—something which can lead to an alteration of things at the present time."

Now, it was not fair to me to say that, nor fair to the Government. My right hon. Friend the First Minister of the Crown has done more than any man to make taxation equal and give to all industries the freest course; and the hon. and learned Member has formed an unfair opinion of me if he thinks it is necessary to wring from me an act of justice to the working population. I trust the hon. and learned Member will explain to his constituency the whole case as it was admitted to me by the deputation which called on me; that he will disabuse the minds of his constituents of the false notions with which they are now filled; that he will tell them that, while they were doing all they could to revive their trade, the Government is anxiously watching for any opportunity which will give them the slightest chance of successfully urging the French Government to make a more satisfactory bargain with us. I have not exaggerated the case in the least. I sympathize with the condition of the silk weavers; and, if next year sufficient cause for inquiry shall be shown, the Government will readily grant it.

MR. NEWDEGATE said, he knew as much about Coventry as the right hon. Gentleman (the President of the Board of Trade) did, and he admitted there was a partial revival of one small particular branch of the silk industry there. But there was a falling off in the trade of that district of one-third of what it was formerly. He bore testimony to the truth of the statements of the hon. and learned Gentleman (Mr. Staveley Hill) in respect to the rapidity with which Mr. Cobden negotiated the Treaty. Immediately after that Treaty came into operation he happened to be a member of the Committee for the relief of the distress that ensued. What was the state of that distress? They had 22,000 people of Coventry looking to the Committee for relief, who could not obtain assistance under the Poor Law. He thought the Members for Coventry would bear him out in this statement—that there was not one-sixth of the master manufacturers in Coventry solvent. In 1861, there were 1,600 houses there empty, 1,000 more for which no rent was paid, and 500 vacant in one district, which had occupants the previous year. He had communicated with Mr. Cobden at that time on the subject, and that Gentleman, admitting the great distress that existed, gave him a donation towards its relief. Knowing all these circumstances, he thought it was not unreasonable for his hon. Friend to ask for an inquiry before this Treaty was renewed. There was a remarkable want of diplomatic knowledge in the framing of this Treaty. He trusted that its terms would be more carefully considered before it was renewed. Protection had been alluded to by the right hon. Gentleman. Now he (Mr. Newdegate) was talking Protection in that House for twenty years, but he did not recommend it now. Whenever anything was said on that side of the House upon such subjects as this the right hon. Gentleman and his Friends around him became alarmed, and charged them with a desire to renew the Protection duties. He (Mr. Newdegate) however, contended that this treaty was wholly inconsistent with the principles of Free Trade. There never was a greater violation of the doctrine of Free Trade passed into a law by a Government professing to be ardent Free Traders than the execution of the commercial Treaty between England and France. It was a one-sided bargain into which the Government would not allow the House to inquire. It was not impossible, however, that the French Government would pay some attention to the Report of a Select Committee of the House of Commons. To show the silk trade of Coventry was not an exception to the silk trade throughout the kingdom, he might state that, according to the Board of Trade Returns, the value of the manufactured silk imported into this country, between 1859 and 1867, had exactly trebled in value, while the value of the exports had not increased at all. Exactly to the extent of the increase had been the displacement of English labour and English produce from the effect of the treaty with France. The right hon. Gentleman had advised them to wait till next year before instituting an inquiry. But probably next year they would find that the whole matter had been arranged and then they would be told, as they had formerly been told, that they could not disturb the terms of a treaty after it had been negotiated. He regretted that the right hon. Gentleman whose name stood at the head of Free Traders should refuse an inquiry by a Committee on the question of the renewal of the French Treaty, when asked to do so, at the only time when such an inquiry could be attended with practical results, because in all probability next year they would find that the Treaty had been concluded.

Mr. CRUM-EWING said, he did not deny that depression existed in the silk trade; but he was glad to say that his constituents were too enlightened to wish for the abrogation of the French Treaty with this country, as they were well aware of the benefits which had resulted from it. He admitted that there were in Paisley now only 2,000 weavers, where formerly there had been 8,000; but the majority had betaken themselves to other employments, and were in a better condition now than formerly. At the same time he should be glad if the right hon. Gentleman granted a Committee of Inquiry into this matter. He had confidence in the right hon. Gentleman so far as to believe that he would grant the inquiry at the time which best suited the interests of the nation, and if he did so he hoped it would be extended to other places besides Coventry and Macclesfield.

Mr. BENTINCK pointed out that one of the results of the French Treaty had been to limit the export of first-class articles, because the French placed such high protective duties upon this description of goods that their entrance into France was virtually prohibited. He would illustrate his argument by a reference to the carpet trade. At the present moment there was a large export of carpets to France, but the goods were of the lowest priced and worst description, and made for the sole purpose of underselling the foreign producers. English manufacturers could not send their best carpets to France on account of the duties, while French manufacturers sent their best goods to England without restriction. An Axminster carpet, for instance, was subjected in France to an *ad valorem* duty from 15 to 25 per cent, while an Audubusson carpet could be sold in London at the same price as in Paris. Was this condition of things then satisfactory to the English trade? He (Mr. Bentinck) contended it was not, and that their demand for reciprocity was simple justice. The President of the Board of Trade had taunted his hon. and learned Friend (Mr. Staveley Hill) with having misled the working men of Coventry upon his own intentions, and upon the facts of this case, but he (Mr. Bentinck) charged the President of the Board of Trade with having misled the country with regard to the action of the Conservative party when the French Treaty was under discussion in the House. The President of the Board of Trade when he starred in the provinces, and exhibited himself on platforms, was accustomed to say that the Conservatives had opposed the French Treaty, and had thus endeavoured to deprive the country of an immense benefit. He (Mr. Bentinck) desired to say, without reserve, that these statements were utterly without foundation. He and his political friends never opposed the Treaty, contrary, as it was, to the principles of Free Trade. As a treaty they had supported it, but they held that the bargain was one-sided, and that without fair reciprocity it was too much to the advantage of France. Had not events proved that this view was correct? That very debate was an admission of the case, for every Member on the Government side who had risen had cried "more reciprocity," and virtually assented to the proposition of his hon. and learned Friend. He was glad to have had the opportunity of thus publicly correcting the misrepresentations of the occupants of the Treasury Bench and their friends so systematically made on the hustings and elsewhere, relative to the point to which he had adverted. He was also surprised the President of the Board of Trade should have endeavoured to throw ridicule upon his hon. and learned Friend by reading a letter. The argument he deduced was far fetched indeed; but he thought his hon. and learned Friend had a right to treat that letter after the same fashion that another letter with which the House was familiar, and which had been the subject of discussion last evening (Mr. Bright's letter to the Birmingham meeting), had been treated by the First Minister of the Crown, and therefore repudiate it altogether. The arrangement with France was no Treaty at all, but a mere capitulation and surrender for the benefit of Manchester; and as Manchester had now discovered that all was not gold that glittered, he trusted the House would agree to grant the Committee, whose labours could do no harm and might effect great good to the suffering trade of the country.

Mr. MUNTZ said, that all trades were suffering—even those which had no French competition to complain of. The high rate of the United States tariff was seriously injuring the trade of that country; the ship-building trade was, in consequence, going to New Brunswick and Nova Scotia. Having lived near Coventry all his life, he could state that before the Treaty the silk trade was always in a state of alternate distress and prosperity. Just before the Treaty there was a period of great distress arising out of a strike. There could be no doubt that the war in America and the change of fashion had been productive of the present distress. There was no necessity for this particular inquiry, but there was for general inquiry, because trade generally was bad. He never knew trade to be worse, and he regretted to say he saw no prospect of improvement. He attributed it to the frightful swindle of limited liability.

Mr. MUNDELLA said, that one branch of the silk trade with which he was connected, although it had absolutely no competition, was nearly extinct owing to the change of fashion and the high price of the raw material. Fine cotton, fine wool, and mixed goods had taken the place of silk goods. The trade also suffered from the American tariff having been raised against us. Coventry had suffered from a variety of causes, from protected industry, from Free Trade, alteration of fashions, and other matters. And Nottingham had suffered in the same way with reference to silk lace. The hats with feathers of sea birds now worn by ladies displaced silk bonnets and silk ribbons. The duty on Coventry ribbons going to France was not more than 3 per cent. He could not see what the Committee could do for the silk trade which could not be better done by the Board of Trade and the Foreign Office. He believed that by adopting improvements of taste and manufacture, and keeping pace with other countries, the silk interests of Coventry, Manchester, and Macclesfield would regain their place in the industries of this country. So deficient was this country in scientific knowledge that English manufacturers sent silk in large quantities to France to be dyed. It was a great mistake to consider that every article imported displaced British manufactures in consumption, for since the duties had been taken off, foreign buyers came to England to purchase French and German goods.

Mr. PHILIPS said, he agreed with

the right hon. Gentleman the President of the Board of Trade in attributing the depression in the silk trade to a certain extent to the high price of the raw material.

Question put.

The House *divided*:—Ayes 155; Noes 101: Majority 54.

Question again proposed, "That Mr. Speaker do now leave the Chair."

### PARLIAMENTARY DISQUALIFICATION.

#### QUESTION.

Sir LAWRENCE PALK said, he wished to call the attention of Mr. Attorney General to the following Acts —6th of Queen Anne, 1 Geo. I., stat. 2, cap. 56, and 26 Vic., cap. 26, sec. 11; and to ask, if, having due regard to these statutes, a recipient of a yearly allowance from the Treasury, in consequence of abolition of office, but under the age of sixty, and liable to serve again, is disqualified from sitting and voting as a Member of Parliament?

The ATTORNEY GENERAL said, he was clearly of opinion that he was not disqualified. If there were any disqualification, it would be removed by the Bill then in progress through Parliament.

### IRELAND—MURDER OF MR. ANKETELL.

#### OBSERVATIONS.

Mr. POLLARD-URQUHART said, he wished to call the attention of the Chief Secretary for Ireland to the injustice inflicted on the ratepayers of the town of Mullingar by charging them with the expense of the extra Police Force stationed in that town, in consequence of the murder of Mr. Anketell.

Mr. CHICHESTER FORTESCUE said, that Mr. Anketell's murder having been, as was believed, the result of combination, an extra police force became necessary for the protection of the peaceable inhabitants, and the Government had only done its duty by exercising the powers entrusted to it in such cases by the Legislature. The inhabitants in such cases were liable for the expense, but of course no imputation was meant to be cast upon them. The magistrates of the district had unanimously recommended that an extra force should be sent down, and had since recommended its continuance. The whole expense for the three months had been £115, or a rate of 4*d*. in the pound on a rental of £7,000.

Motion, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

### MILITIA PAY BILL.

On Motion of Mr. Dodson, Bill to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the employment of the Non-commissioned Officers, *ordered* to be brought in by Mr. Dodson, Mr. Secretary Cardwell, and Captain Vivian.

House adjourned at a quarter before Two o'clock till Monday next.

## HOUSE OF LORDS,

*Monday*, 21*st June*, 1869.

MINUTES.] — *Sat First in Parliament*—The Lord Hawke, after the death of his Brother.

Public Bills — *Committee* — *Report* — Drainage and Improvement of Lands (Ireland) Supplemental * (39).

*Third Reading*—Newspapers Printers and Reading Rooms * (137); (£2,300,000) Exchequer Bonds *, and *passed*.

### IRISH CHURCH BILL.

#### NOTICE OF AMENDMENTS.

Earl GREY gave notice that, in Committee on this Bill, he should propose to negative the ordinary Motion for postponing the Preamble, and that, if this were agreed to, he should move the omission of the words in lines 11 and 15, "but not for the maintenance of any Church, or clergy, or other ministry, nor for the teaching of religion." He should also propose the omission of that part of the Preamble which affirmed the expediency of appropriating the property "mainly to the relief of unavoidable calamity and suffering." He would take this opportunity of expressing his earnest hope that his noble Friend the Secretary of State would not insist on the ordinary practice of adjourning over Wednesday. The Committee would commence to-morrow week, and it was possible that if the whole week were devoted to it the Bill would be got through within the week; but considerable time would undoubtedly be required, as the subject required the most mature consideration. It was to the interest both of the House and the public that no time should be unnecessarily lost, and it was evident that if the Bill went on the Session could not be brought to a close till very late. It would probably be well into July before the Bill, after being amended, could be read a third time, and it would then, after being re-printed, have to be considered by the other House and perhaps again by this House. It would thus be very late, if discussion should arise on the Amendments, before a settlement could be hoped for. Now the practice of invariably adjourning over Wednesdays was of recent date, for he remembered the time when the House habitually met on Wednesday; but there grew up an understanding that important business should not be taken on that day, and this was afterwards extended to an adjournment from Tuesday to Thursday. For many years, however, it was never the custom to interrupt important business for the convenience of noble Lords having engagements on Wednesday; and throughout the discussions on the Catholic Relief Bill in 1829, and the Reform Bill in 1831, neither adjourned debates nor Committees were suspended on that day. The adjournment was for the general convenience, when there was no pressing business, and four sittings a week were ample for transacting the ordinary business; but, on a question of such importance as the Irish Church Bill, the interruption was extremely injurious, and it was not decorous or proper that business should be delayed for the sake of private engagements. He hoped his noble Friend (Earl Granville) would accede to the arrangement he had suggested.

Earl GRANVILLE, in the first place, had to thank his noble Friend for having been the first to respond to the appeal he made on Friday—that, for the convenience both of the Government and of the House, all Amendments which it was desired to propose should be placed as early as possible on the Paper. With regard to Wednesday he wished to conduct the Bill in the manner most agreeable to their Lordships. He had not yet had an opportunity of ascertaining their wishes on this point, but personally he was inclined to favour his noble Friend's suggestion. Last week, indeed, he himself suggested a similar course with regard to the debate to the noble and learned Lord opposite (Lord Cairns), who, however, did not think it desirable to depart from the usual arrangement. It was worthy of consideration whether, in the event of a Wednesday Sitting, the House should not meet in the morning, as no appeals were usually heard on that day.

Lord CAIRNS said, that nobody could desire more than himself that there should be no loss of time in discussing the future stages of the Bill, and when, on Friday, the noble Earl (Earl Granville) did him the honour of consulting him as to the date of the Committee, he expressed himself willing to concur in an earlier day than Tuesday week. The noble Earl, however, found that that day would meet the general convenience of their Lordships. The proposal to sit on Wednesday was a very novel and unusual one; and, though there might in some cases be good reason for departing from the usual custom, he doubted whether any sufficient reason had been shown for doing so in this case. Many Members had probably made private engagements, which it would be inconvenient to alter, and a single day could not make much difference in expediting the matter, while a day's interval would afford an opportunity of review and consideration.

The Bishop of OXFORD said, that the long-established practice of not sitting on Wednesday had led persons with numerous demands on their time to make engagements for that day. A sudden change would either throw other engagements into confusion or would necessitate absence from the House; and he believed that instead of expedition it would rather tend to delay, since a day's interval often did much to get over difficulties, and thus, in the end, to promote despatch.

Lord PORTMAN said, that the Select Committee on the Ecclesiastical Courts Bill was accustomed to meet on Wednesdays, it being the only day when noble and learned Lords could attend. He thought it undesirable therefore to depart from the usual practice.

### REPORTS OF JUDGES ON ELECTION INQUIRIES.

### THE QUEEN'S ANSWERS TO ADDRESSES.

THE LORD STEWARD OF THE HOUSEHOLD *reported* the Queen's Answers to the Addresses of the 8th instant relating to Sligo Borough Election, Bridgwater Election, Norwich Election, Beverley Election, and Cashel Election.

House adjourned at half past Five o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Monday*, 21*st June*, 1869.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Governor General of India * [89]; Government of India Act Amendment * [150].

*Committee*—Assessed Rates (*re-comm.*) [149]—R.P.; Land Tax Commissioners' Names [54]—R.P.; Park Gate Chapel Marriages, &c. (*re-comm.*) [111]—R.P.

*Committee* — *Report* — Judicial Statistics (Scotland) * [142]; Prisons (Scotland) Administration Act (1860) Amendment * [143]; Poor Law Union Loans (*re-comm.*) * [167].

*Third Reading*—Poor Law Board Provisional Orders Confirmation * [166], and *passed*.

*Withdrawn* — Common Law Courts (Ireland) * [74].

### SOUTH-EASTERN RAILWAY.

### QUESTION.

CAPTAIN GROSVENOR said, he wished to ask the President of the Board of Trade, Whether he has had his attention called to the fact that the South Eastern Railway Company, by a certain money charge made in the case of Dr. Pearce on the 16th of April 1869, violated their Bye-law No. 1; and whether the Bye-laws of a Railway Company, as certified by the Board of Trade, are binding upon the Company as well as upon the public; and, if so, what remedy is open to the public as against the Company in the case of a Bye-law being violated by the latter?

MR. BRIGHT: Sir, the bye-laws of a railway company, when duly certified, have the same force as an Act of Parliament. In the case referred to the charge was dismissed on somewhat different grounds from the one mentioned by the hon. Gentleman; but whether a company has violated its bye-laws or not is a question to be determined by the magistrate or court before which it is taken, and not by the Board of Trade.

### BETTEN'S CHARITY.—QUESTION.

MR. PELL said, he wished to ask the Vice President of the Committee of Council on Education, Whether the funds from Betten's Charity, at present devoted to the aid of 1,200 schools, will, under the provisions of the Endowed Schools Bill, now before Parliament, be diverted to other uses?

MR. W. E. FORSTER, in reply, said, that Betten's Charity was certainly an educational endowment, and, therefore, came within the scope of the Endowed Schools Bill, which had just passed through that House. The impression that prevailed in the minds of some interested in the Charity was entirely unfounded. He was told their impression was that the object of the Bill was to at once appropriate the funds of the Charity and apply them to some other educational purpose. The real fact was, that this Charity was at present the means of assisting a large number of National Schools with small sums not less than £5, and not more than £20 per annum. That being its object, there was no doubt it was an educational endowment; but no alteration could be made in it without the Commissioners first giving full notice to the Governors, and receiving from them any representation which they might think fit to make, and without any alteration being approved of by the Government of the day, and assented to by both Houses of Parliament; consequently, those interested would have the fullest opportunity of making themselves heard before anything could be done. If the Commissioners thought anything ought to be done, though he was not prepared to say they would, as the endowment was more than £1,000 per annum, six months' notice must be given to the Governors to propose their own alterations, if they thought fit to do so, before the Commissioners could have anything to say to it.

## INDIA—AUDITOR GENERAL OF ACCOUNTS.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether any alteration has been made in the position of the Auditor General of Indian Accounts?

MR. GRANT DUFF said, in reply, that till very recently, the Auditor of Indian Accounts held two appointments. One he held under an Act of Parliament, and its duties were to audit the Home accounts of the Government of India, in other words, to check any appropriation of the funds of India by the Secretary of State in Council to non Indian purposes. The other he held at the will of the Secretary of State in Council and its duties were to examine all claims preferred by Departments of the Imperial Government, chiefly the War Office and the Admiralty, against the Indian Government. His position, it will thus appear, was somewhat anomalous, one partly independent, and partly dependent. All that, however, had been changed; and the business which had formerly been transacted by the Auditor under the Secretary of State in Council had been transferred to the head of the Financial Department. The Auditor, therefore, now simply examined and checked the Home accounts of the Government of India under the Act of Parliament; and for that he received the full salary of £1,000 a year.

## INDIA—FISHERIES.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether the Government are taking any steps for the preservation of the Fisheries in those rivers in India and Burmah where irrigation works have been constructed, or are in contemplation?

MR. GRANT DUFF, in reply, said, Dr. Day, the author of the "Fishes of Malabar," was now examining the Indian sea and river fisheries with special reference to this very important subject, and the Secretary of State in Council had directed the Government of India to give every encouragement to officers who, like the acting collector of South Canara, took an intelligent interest in our fisheries.

## RYDE PIER.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the First Lord of the Admiralty, If he will state the reasons which induced the present Board of Admiralty to reverse the decision of their predecessors, and permit the extension of Ryde Pier to the westward; and, whether the proposed extension was not the subject of inquiry by the late Board of Admiralty, and refused by them on the ground that it would interfere with the navigation of that part of the Solent?

MR. CHILDERS: Sir, there are two piers at Ryde, the property of a joint stock company, and an application was made to the late Government to allow a considerable extension of one of them to the west, in order to enable a ladies' bathing-place to be erected. This was strongly supported by the local authorities of Ryde, but opposed by the owners of lighters and coasters, on the ground that it would interfere with their access in certain winds and tides to a small landing-place between the two piers where coal and other merchandize are landed. My predecessor refused the application. This year the same application was made to the present Board, and as I found much difference of opinion on the part of the officers I consulted, I took advantage of a recent visit to the Solent to inspect the locality with Sir Sydney Dacres and Sir Thomas Symonds, and I decided to sanction a modified plan, which, in their opinion, would not interfere with the navigation. From a naval point of view there is no objection to either plan.

LORD HENRY LENNOX said, he would beg to ask, Whether the right hon. Gentleman will have any objection to lay on the Table of the House Copies of the opinions on which the late Board of Admiralty had come to a decision on the question, especially of the opinion of the Master Superintendent of Portsmouth Dockyard and his (Lord H. Lennox's) gallant Friend the Director of Works to the Admiralty, both of whom had made a personal inspection of the site?

MR. CHILDERS replied that his noble Friend could, if he wished, have access to the enormous volume of Papers on the subject. He did not, however, think it would be worth while to print the Correspondence on a question which had been so fully considered by the Admiralty.

## ARMY—ROYAL HORSE ARTILLERY.

### QUESTION.

Mr. WALSH said, he would beg to ask the Secretary of State for War, Whether it is the fact that certain batteries of the C Brigade, Royal Horse Artillery, are under orders for Ireland out of their turn of service, preparatory to the Brigade being sent to India in 1871; and, if that is the case, on what principle the C Brigade, which returned from India in 1865-6, is selected for foreign service in preference to B Brigade, which returned to England in 1861?

Mr. CARDWELL said, in reply, that the Question of the hon. Gentleman correctly stated what it was proposed to do in reference to the reliefs to which it related. When the two armies were amalgamated it was foreseen that unless some special arrangement were made with respect to the rule for reliefs, the Royal Horse Artillery and the whole of the Artillery belonging to the old British establishment would be in India, and its place supplied by Indian Artillery. The subject was considered by the Indian Department and the Horse Guards, and the arrangement come to under which present reliefs were about to be made. Those reliefs being over, the ordinary arrangements would arise and reliefs be carried out in accordance with the ordinary rules.

## IRELAND—ORANGEISM.—QUESTION.

Sir JOHN GRAY said, he wished to ask the Chief Secretary for Ireland, If the attention of the Government has been called to a Letter which has been published in the Irish Conservative Journals, purporting to be written by an hon. Member of this House, addressed to "Commelin Iwin, Esq., Newgrove, Lisburn," and dated "House of Commons, June 14, 1869," calling on the Orangemen of Ireland to "turn out everywhere" on "the coming twelfth of July," "to assemble in their tens of thousands," and "emphatically" "to commemorate" "the glorious triumphs of the past;" and, if so, whether the Government is taking or will take effective measures to preserve the peace of the country?

Mr. CHICHESTER FORTESCUE: Sir, I beg, in answer to the Question of my hon. Friend the Member for Kilkenny, to state that I have received from the hon. Member for Belfast (Mr. W. Johnston) a letter enclosing a copy of the letter to which the Question relates, and informing me, at the same time, that he would not be in his place in the House for some days. I think it but fair to the hon. Member for Belfast that I should say that, in this letter, while calling on the Orangemen of Ulster to turn out everywhere, he adds, "but with no hostile menace towards our Roman Catholic fellow-subjects, and with no boastful exultation over the glorious triumph of the past." I must, at the same time, observe that such qualifying words are of very little avail; and I must express my regret that any gentleman of influence in the North of Ireland should use that influence for the purpose of encouraging celebrations which in times past have led to civil war, and which may lead to something like civil war at the present day. It has been always the duty—the unhappy duty—of the Government to send a strong force of military and constabulary to the North of Ireland at this period, and I am sorry to be obliged to add that the Government have never felt it to be more incumbent on them to do so than this year. The duty is one, I can assure the House, which the Government will perform to the utmost.

Sir JOHN GRAY said, he wished to explain that before he had placed the Notice of his Question on the Paper, he had written a letter to the hon. Member for Belfast to inform him that he was about to do so.

## ASSESSED RATES (*re-committed*) BILL.

(*Mr. Goschen, Mr. Bruce, Mr. Bright.*)

[BILL 149.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Occupiers of tenements let for short terms may deduct the poor rate paid by them from their rents).

Mr. VERNON HARCOURT said, he rose to move an Amendment. The subject seemed dry and uninviting; but he believed that it would be now treated in a very different spirit from that in which it was discussed by the last House of Commons. It was the fashion last year to call the compound-householder a bore; but he ventured to say that the compound-householder would not be so designated in a House of Commons elected by household suffrage. In "another place" a noble Duke (the Duke of Argyll) had described the late House of Commons, after the death of Lord Palmerston, as "thoroughly disorganized and demoralized, having no faith in any principle, no enthusiasm in any cause, and no fidelity to any Leader." If that was — as he believed it was — a tolerably just description of the late House of Commons, though it had given the country the Reform Bill, it was not surprising that the question relating to the compound-householder was treated with levity and want of consideration by that Assembly. The present Prime Minister pointed out over and over again how much the question affected the political rights and social comforts of the working-classes; and at the last election the people fully recognized the part which the right hon. Gentleman had played, and the battle which he had unsuccessfully fought on their behalf. The old rating system of the country placed it was true, the burden of the rate exclusively on the occupier, for the simple reason that, according to the then habits of the country, the tenant was generally a permanent occupier, and was to be found in the same house from year to year. However, by the end of the last century an enormous change occurred in the social condition of the working classes in great towns, in consequence of the discovery of the steam engine, and the development of manufacturing industries; and then sprang into existence that great class dependent on weekly wages and paying for their tenements a weekly rent, who now constituted, perhaps, the majority of the borough constituencies. This new state of things was dealt with in many towns by local Acts, and, in 1819, the first Small Tenements Act, applicable to tenements not exceeding £20 and not less than £6 rental, was passed. The Preamble stated that, whereas, in many parishes, and more especially in large and populous towns, the payment of poor rates was greatly affected by reason that a great number of the houses were let out in lodgings, or separate tenements, to tenants who quitted their residences, or became insolvent before the rates were collected—and it had been found in many instances that higher rents were charged in the shape of rent in consequence—the inhabitants in vestry might order the owner, instead of the occupier, to be rated. In 1850 another Small Tenements Act was passed, giving to parishes the option of rating the owners of tenements under £6, and providing, as was important in respect to the Municipal Corporations Act, though not at that time material to the Parliamentary suffrage, that persons who ceased to pay rates should not be deprived of their franchise. The adoption of the Act on the part of any parish being voluntary, it became necessary to offer a large bonus to secure its acceptance, and by the Act of 1850 a reduction of 25 per cent off the rental in assessing the rate was practically given to the owners of the tenements as a bribe for its adoption. A proof that this system of compounding was deemed beneficial, was to be found in the fact that the great majority of town parishes had voluntarily adopted the Act of 1850. This state of things existed down to the Reform controversy of the year 1867. The hon. Member for Newark (Mr. Hodgkinson) had given an interesting historical sketch of the circumstances of its abolition, which, however, to some hon. Members, might appear to be somewhat obscure. The repeal of the composition system was not adopted on any fiscal or economical ground. The Liberal party having no other choice, amid the disorganization which then afflicted our political system, accepted household suffrage, combined with the abolition of composition, and thus the political rights of the working classes were gained at the expense of their social comfort. It was only when political parties had got into an inextricable dead-lock that the hon. Member for Newark stepped forward, and his suggestion was seized on by hon. Members on both sides, as drowning men catch at a straw. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said in Edinburgh—"Thank God, you have no compounders in Scotland; and we are going to do away with them in England." This showed an extraordinary want of appreciation of the difference of the circumstances in the two countries. In Scotland the custom was yearly tenancy, while in England the tenancies were weekly. Much, too, was said concerning the "personal payment of rates." But as soon as the last Reform Act was passed, the personal payment of rates—that great Conservative palladium—which proved convenient as a means of educating a party into the acceptance of household suffrage, was discovered to be a delusion; because, according to the law, the payment of the rates by the landlord was held to be equivalent to payment by the tenant. What was the consequence that followed on the legislation of 1867? Throughout the boroughs of England the unwelcome face of the rate collector, who, under the Compounding Act, had been banished from the houses of the working classes, re-appeared. Rents were hardly anywhere reduced, and three and six months' rates were, in thousands and tens of thousands of cases demanded, which working men were not in a position to pay. Distress warrants were issued, and the men were made parochial, or, more correctly speaking, political bankrupts by the operation of the Reform Act of 1867. A man receiving weekly wages naturally desired to pay rates only for the occupation for which he paid his rent. He had an intelligent artizan working the other day at his house, who told him he earned 23*s*. a week, out of which he paid 9*s*. a week for rent, which covered his rates till two years ago; but since that time the landlord told him that he—the tenant—must either pay the rate himself, or he would be charged 6*d*. a week extra. The tenant said that, practically, he had no option; he was obliged to pay the 6*d*. a week extra—if it had been double he would have paid it—for a working man must make all his payments when he received his wages; £1 6*s*. per annum was, therefore, the measure of the fine on this man which the operation of the enfranchising Act of 1867 had imposed. The taxation which had thus been imposed on the working classes was the most inconvenient, irritating, and odious it was possible to conceive—and all this under the name of political reform. Not only was such a system socially inconvenient and alien to the habits of working men, but it was financially and fiscally entirely unsound. In all other cases when it was necessary to raise a large sum upon articles of consumption, they taxed the producer, and left him to recover the tax from the consumer. The owner of house property was in this case the producer, the occupier the consumer. Why proceed on a different principle in local taxation from that they were obliged to follow in regard to the Imperial Revenues? No doubt a larger amount of rate might thus be collected, but the irritation and injury inflicted could not be compensated by the larger sum they were enabled to collect. If they could get the owner to collect the rate, that would be a most beneficial form of levying a necessary tax. The old Law of Settlement had a very injurious effect in preventing the distribution of labour, because it did not allow a man to carry his labour to the best market. This was equally true of the present system of collecting these rates. What was wanted was that every man should take his labour where it was most wanted. He should not be tied by the leg in consequence of a payment of three or six months' rates, which he had been called upon to make, and which he felt it necessary to work out. Paying his rate with his rent on Saturday night, he could be off at once to some other district where his labour would be better remunerated. He believed it was a mistake to suppose that the most respectable of the working class in a borough were the most stationary population in it. In the Committee on Registration which was now sitting, Mr. Lambert, the Poor Law Inspector, stated that the most respectable part of the working population constantly changed their lodgings, because when a tenant remained long in the same lodgings he could not get the landlord to make any repairs; it was only by leaving and going into new lodgings that he could get a clean, respectable house. The hon. Member for Stoke-upon-Trent (Mr. Melly) had informed him, that in Liverpool, if the father of a respectable family found that a disreputable establishment had been set up near him, he would give his month's notice and remove to another neighbourhood. He was assured by the intelligent rate collector of the parish in which he resided that it was heart-rending to see the collection of rates by distress warrants; and he declared it to be his conviction that if that system was continued there would be a revolution in the country. The principle ought to be that in the case of weekly tenancies the rate should be collected weekly; but it was evidently impossible to send public officers every week to the house of each occupier, and a weekly collection could only be effected through the agency of the landlords. It was admitted that in some form the burden of the rate ought to be cast upon the owner, and that he should recoup himself in the rent for the rate; and there were several ways of accomplishing that. The plan of the Bill amounted to this, that the owner was to be rated, and that at the option of the occupier, because the tenant was to be at liberty to deduct the rate from his rent. This plan did not meet the grievance of the occupier; it left him liable in the first instance for the whole rate; so that the weekly occupier might be called upon to pay three months' rate, which was the very grievance they were seeking to remove. The weekly tenant would be still left to put his hand into his pocket for a sum which he did not possess. It was the fault of the plan that it made the poor man advance the rate for the rich man; the plan adopted ought to be the opposite of that—the rich man ought to advance the lump sum, and afterwards recover it little by little from the poor man. So long as such a plan was continued we should not get rid of distress warrants. The remedy provided was to allow the tenant to deduct the rate from the rent; but that immediately brought him into a controversy with the landlord, who might say, if the tenant proposed to deduct the rate from the rent—"You can leave the house next Saturday." Therefore, the remedy provided was practically an illusory one. The parish was left with reference to its revenue just as it was before. The plan of his right hon. Friend, while it acknowledged the evil, failed to provide the remedy required, for financially it left a tax upon the consumer instead of the producer. There was another plan which was embodied in the Amendment to the 3rd clause of the Bill, proposed by his hon. Friend the Member for Hackney (Mr. Holms). His hon. Friend accepted the principle that the owner ought to be rated instead of the occupier, but, instead of making the adoption of the principle compulsory, he said the owner should be rated instead of the occupier, at the option of the overseer. He (Mr. Vernon Harcourt) much preferred that plan to the plan of the President of the Poor Law Board, but it seemed to him defective in this respect, that it left the fate of the occupier in the hands of the overseer. Both Amendments admitted that the owner ought to be ultimately rated instead of the occupier. The third plan, that involved in his own Amendment, adopted that principle, and endeavoured to carry it out more efficiently. He proposed to declare that, wherever the tenancy was for a shorter period than the term of the rate, the owner should be rated, and to rate him accordingly. This plan would have many conveniences. It would not call upon the tenant to find the amount of the rate in the first instance, and it would save him from an unequal controversy with his landlord, while the parish would derive the advantage of collecting the rate from a few persons who had funds, instead of from many who were without them. It was said that a large allowance must be made to the owners if this liability were put upon them; but to make a large allowance was to act unfairly towards the man who occupied his own house. He could not compound, but must pay 20*s.* in the pound; and if a deduction of 50 per cent were made to the proprietor, he paid only 10*s.* in the pound, which was extremely unfair as between class and class. Of course, the owner ought to have a fair allowance for the risk of loss which he incurred; and it became a question what that risk was. In the case of weekly tenancies it was plain the owner was entitled to an allowance for the time a house was vacant. Then it was said he might have defaulting tenants and ought to have an allowance made on that account. But that was not a sound principle; and, indeed, he believed that, apart from vacancies, the owner of weekly tenancies lost little or nothing. The rent was collected every Saturday or Monday, and if the tenant did not pay he had to leave the premises. He proposed to confine his Amendment to the case of weekly tenancies, because in houses of tenancy for longer than three months there was a good reason for giving a larger allowance in the way of composition, because if a tenant ran away the landlord might lose a whole year's rent. Against the scheme which he proposed, however, it was urged that the rate ought properly to be imposed upon the occupier, because by adopting any other plan the occupier did not feel the burden of the rate; and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had spoken of the compounding system as a device of Old Nick to tax the poor. He entirely differed from that view. Objection might be made upon the same ground to all indirect taxation for the Imperial revenue. He contended that it was desirable, especially having regard to the heavy nature of our local taxation, that the rates should be imposed and levied in the manner which would entail the least burden on those who had to pay them. Again, it was urged that the rate might be lost, because the owner might be either an absentee or inaccessible; but he believed that that difficulty had been amply provided for by retaining the liability of the occupier as well as the owner; in addition to which he proposed that the rent should be made a security for the rate, and should be liable to attachment in case the rate was not paid. He would never have made this proposal unless he had thought complete provision were made for preserving the franchise to those who, if his proposal were adopted, would belong to the non-rate-paying classes. Personally, he believed that by far the wisest and by far the boldest course would have been to have taken the bull by the horns and have repealed the rate-paying clauses of the Reform Act of 1867. They would in that case have done directly what they now meant to do, and what they had promised their constituents they would do. He for one regretted that Her Majesty's Government had touched the matter with a somewhat timid hand. It was said that if men had their votes they ought to pay their rates. While fully endorsing that principle, he contended that there would be no class in the community who more surely paid their rates than this particular class, because the landlord would take care that the rate was paid in the rent. He maintained, however, that they never could have a sound basis for the political franchise until they entirely separated it from the embarrassments which were inseparable from its connection with parochial revenue. Payment of rates had only been the screen by which the master architect who had reared the structure of household suffrage had prevented some of the masons from seeing what they were doing; but now that the building was complete, and all the necessary education finished, he could not understand why they were to deform that noble edifice by the scaffolding which, however useful in its erection, could now only have the effect of concealing its outlines. He believed that even hon. Gentlemen on the other side of the House would be glad to see it removed. The party opposite expected when they went to the hustings to receive the gratitude of the country for the boon of household suffrage; but in this they were disappointed, not because the people of this country were wanting in gratitude, but because by tying up with it this question of the payment of rates they had poisoned the gift, and deprived it of all grace and favour. But whatever might be the views of hon. Gentlemen opposite on the matter, on that (the Ministerial) side of the House there was but one opinion. On no subject, not even on that of the Irish Church, were the Liberal party more deeply pledged than they were upon that. The constituencies of this country had purged the Liberal party of those who had acted with hon. Gentlemen opposite, and who by their infidelity had enabled them to defeat the interests of the working classes. The Liberal majority at present in that House were principally the representatives of the borough constituencies—of the people interested in the settlement of this question. That majority had power to settle the question, and they ought to settle it. They had no caves, and he was happy to say that they had no tea-room meetings either. He was quite sure his right hon. Friend the Secretary of the Poor Law Board would not consider that he proposed his Amendment in hostility to the Government, and he believed his right hon. Friend (Mr. Goschen) would not question the propriety of adopting the principle of the liability of the owner instead of the occupier. They had begun this Session well by doing a great work for the majority of the Irish people; let them, before it was concluded, do a not less great work for the majority of the English people. He had always deeply regretted, and he regretted it now, that they had not in the House a Member of the working classes to represent their interests; but let them act for them as they would act for themselves, and thus convince them that this Parliament understood their wants and sympathized with their distress. He hoped this first Parliament, elected under the auspices of a household suffrage franchise, would not separate for the Session without satisfying the people on this matter, for the first care of a household suffrage Parliament ought to be the interest of the householders of England. The hon. and learned Member concluded by moving as an Amendment in Clause 1, line 9, to leave out all after "the," and insert—

> "Owner of every rateable hereditament which is let for a term of less than three months shall be assessed to the poor rate in place of the occupier: Provided, nevertheless, That the owner of such hereditament shall be entitled to deduct from the rate due in respect thereof a sum proportionate to the time during which such hereditament may have been vacant since the payment of the last rate."

THE CHAIRMAN said, that an Amendment in the form of that moved by the hon. and learned Member could not be put from the Chair. The question which the hon. and learned Member wished to raise could be raised by moving to strike out the word "occupier" in order to substitute for it the word "owner."

MR. VERNON HARCOURT having moved an Amendment in this form—

SIR MICHAEL HICKS-BEACH said, he had already expressed his objections to the Bill at such length that he did not intend to go into all the questions connected with the principles of the measure. He wished, however, to express his satisfaction that Her Majesty's Government had considered the subject in a different light from that in which it was viewed by the hon. and learned Member for Oxford (Mr. Vernon Harcourt). They had recognized that there were two aspects of the question—the political and the economical. It was quite consistent with the views expressed in former Sessions by the Members of the present Government that they should bring in a Bill to remedy what they regarded as inequalities on the political side of the question; but he was glad that in doing so they had not been so unmindful of the economical side of the question as the hon. and learned Member for Oxford appeared to be. The hon. and learned Gentleman had entirely ignored the fact that this Bill, which was one to remedy a grievance existing only in particular places, had been made applicable to all parts of the country. He was not going to deny that in some boroughs some dissatisfaction and distress existed; but he submitted that what Parliament ought to do was to pass a measure which would remedy that partial evil without unduly interfering with arrangements of long standing which had proved successful in equally important places. The hon. and learned Gentleman had admitted that the liability of the occupier to the payment of poor rates was one of the oldest principles of the Poor Law. He had understood the hon. and learned Gentleman to say that the poor rate ought to be levied on what he called the "producer," as distinguished from the "consumer;" but there was no difference between the producer who let a house for a short time, or below a certain rental, and the producer who let houses on other descriptions of occupancy. If this argument, therefore, was good in this case, it was good for all kinds of property; but he differed from the hon. and learned Gentleman on the principle itself; because he did not think that, as a general rule, it would be better to levy the rate from the owner instead of from the occupier. He believed it to be a matter of no small importance that a large proportion of those from whom the poor rate was levied should be residing in the place in which the rates paid by them were levied, and conversant with the class for whose benefit the rates were intended. It had been found that small occupiers, when they paid the rates themselves, were careful in seeing that those who should pay the rates were made to do so, and that persons did not receive relief who were not entitled to it. The same supervision in these respects could not be exercised by owners at a distance that was exercised by occupiers. Neither did he think that the case would be met by levying the rate on resident agents instead of non-resident owners, because, as a rule, agents would not be pecuniarily interested in the matter, and therefore would not scrutinize collection and expenditure as closely as occupiers did. There were statistics to show that in certain boroughs, which contained a large number of poor occupiers, the system of the payment of rates by such occupiers had worked most successfully. There were the cases of Stockport, Oldham, and Sheffield, for instance. In none of those boroughs had the compounding system ever prevailed, in Oldham and Sheffield the landlord not even paying the full rates for the tenant. In Oldham, out of 17,800 occupiers, the majority of whom live in houses under £10, during the cotton famine only about £8,000 was lost—much less than would have been lost if the Small Tenements Act had been in operation. In Sheffield the district rate, amounting to £54,000, was compounded for by an allowance of 25 per cent on houses under £7. Of that no less than £5,800 was lost, whereas, on the poor rate of £94,000, only £947 was lost on the poorer and smaller houses. This proved that there were places of very large extent where the system of payment by the occupier had been thoroughly successful. He therefore trusted that the Committee would not alter that system throughout the whole country for the sake of a few places where it had not yet had time to be fully tried. There were other reasons why payment by occupiers was better than payment by owners. Where the owners paid the rates, depend upon it they exacted from the occupiers a large sum to compensate themselves for the trouble of collection; and therefore the payment of the rate by the owner must result in taxing the poor occupiers by a system which was nominally introduced for their relief. Again, take the instance of the poor man who, under the system of direct payment, would be excused by the parochial authorities; he would, if his landlord paid the rates for him, have to pay the rate directly to the owner in his rent. The system of compulsory composition which the hon. and learned Member for Oxford proposed would distress the poor occupiers far worse than the present system did. He (Sir Michael Hicks-Beach) thought that no system of deduction of the rate paid by the occupier from rent due to the owner was wanted, except in the case of the occupier leaving before the term expired for which the rate was paid. It appeared to him that the question resolved itself into this—Why were they, for the sake of Birmingham and East London, to inflict upon Stockport, Oldham, Sheffield, and other parts of the country a system of rating which they did not want, and to which they entertained great objection? He trusted the Government and the Committee would decline to assent to the plan proposed by the hon. and learned Member for Oxford.

Mr. C. FORSTER said, that if the hon. and learned Member for Oxford (Mr. Vernon Harcourt) pressed his Amendment to a division he should give it his support. He agreed with all that had been said as to the cruelty and injustice which the abolition of the system of compounding had inflicted on large masses of the people, and he had been informed that payment by the occupier greatly increased the trouble and expense of collection. The Government sought to provide a remedy in a very circuitous manner, but he should prefer the old system of compounding. The assent of the landlords would be an essential element to the success of the Bill, and he believed that that assent would, in many instances, be withheld, and that the Act would be rendered a dead letter. The hon. Member for Hackney (Mr. Holms) had given notice of an Amendment, giving the parochial authorities the option to make composition compulsory, but he (Mr. C. Forster) thought it would be unwise to do so, and that it would be better to fall back on the provisions of the Small Tenements Act, and give the vestries power compulsorily to rate the owners where the rental was under £6. No doubt the amended Bill was far more acceptable than the original measure; but he trusted Her Majesty's Government would go further, and would not only preserve the franchise for the poorer occupiers, but would take care that, in a pecuniary point of view, they should not be placed in a worse position than they occupied before the passing of the Act of 1867.

Mr. GOSCHEN said, he was sure the Committee would see the necessity of being very clear upon two or three points with respect to this question, and, in the first place, that they would feel the importance of not being guided by the views of any particular towns or alone, of the rating authorities alone, of the owners alone, or of the occupiers alone. In the many communications he had had with hon. Members of that House, and with the various local authorities upon this subject, he found that they were all too much disposed to take a one-sided view of the question, and that, therefore, were he to adopt the suggestions of any one party he should be acting contrary to the feelings of the others. Her Majesty's Government had endeavoured to be guided by general principles; to guard themselves against being influenced by any particular districts; to look at the question from a large and broad point of view; and to devise a measure which would be acceptable to the community at large.

As regarded the point touched upon by the hon. and learned Member for Oxford (Mr. Vernon Harcourt) and by the hon. Member for Walsall (Mr. C. Forster) with reference to the rate-paying clauses of the Reform Act, the Government had in one respect done more than repeal those clauses, because they said that not only should the occupiers not have to pay the rates personally, but that in many cases they should not pay at all. In the case of the weekly tenants the Government had shifted the rates from the occupiers to the owners. They had not been trammelled with any feeling as to the expediency of retaining the principle of personal payment of rates, for practically that had been abandoned before the present Government acceded to Office. And therefore the present measure had been framed, not with reference to the rate-paying clauses of the Reform Act, but upon economical and financial grounds alone. As might be expected, his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) had presented his own scheme in the best light; but he had not been quite fair to the scheme of the Government, for he dealt only with the 1st clause, which gave occupiers power to deduct the rates from the rent, and had scarcely alluded to the 3rd clause, which enabled owners to compound with the overseers. These two clauses must be read together. The owner was offered the option of either paying the rate in full or paying 75 per cent if he chose to compound. If either clause were taken separately it might not be successful in its operation, and he candidly admitted that the Government would not regard the Bill as successful if it were not productive of voluntary arrangements, to a large extent, between owners and the local authorities for the payment of rates by the owners. That was the intention of the measure, and if it could be shown that these clauses as they stood did not give effect to that intention, it would become necessary to consider what further arrangements were desirable for this purpose. The owners of cottage property very clearly appreciated the nature of the Government proposals, for a deputation of them had waited upon him on Friday to request that Clause 1 might be omitted from the Bill, the very clause which the hon. Member for Oxford thought would not be effectual. The deputation stated that if that clause remained in the Bill they would be compelled to compound with the collectors and overseers; and were informed that this was the object of the Bill. Clause 1, in fact, was the screw which was to be put upon the landlords, compelling them to do that which was, in fact, done in a great many cases at present, but illegally, unsatisfactorily, and in evasion of the law. It was not true to assert that under the clause tenants would have to pay a large lump sum out of their weekly earnings. The rate for a quarter did not amount on the average to more than one week's rent, and seldom exceeded one and a-half. Of course, to those who did not pay their rent at all, it would be an inconvenience to pay the rate, but that was the only case in which permission to deduct the rates from the rent would be ineffectual. Undoubtedly owners had great power over their tenants, and had been able to take advantage of the Reform Act to raise their rents; but, to assume, on that account, that if the law throughout the country was that weekly occupiers might deduct the rates from their rent, it would be ineffectual, went beyond the bounds of probability. The hope and expectation of the Government was that the owner, finding himself liable to have these deductions made from his rent under Clause 1, would compound, under Clause 3, with the collectors. The hon. Member for Oxford said there was no difference between his proposal and that of the Government with regard to the taxation of the owner instead of the occupier, but the difference was that, while under the Government scheme the deduction would be made from the rent, according to his hon. and learned Friend the owner would have to pay the rates, whether he received any rent at all or not. His hon. and learned Friend, therefore, placed upon the owner the burden of guaranteeing the solvency of the tenant without securing to him any corresponding advantage, a principle entirely novel in our legislation. Under the Small Tenements Act two different allowances were made to the owner, 25 per cent for rendering himself liable, and 25 per cent for empties. The hon. and learned Gentleman said that the owners having power to turn the tenants out at a week's notice could protect themselves, but that was incompatible with tenants of the smaller class being in arrear with their rent. The hon. and learned Gentleman recognized the fact that when a burden was placed on the owners some allowance ought to be made, but he now introduced a new principle, and that was that the owner was to be liable without having any allowance at all. In the Amendment of the hon. and learned Member there was an important defect of detail, inasmuch as it contained no limitation as to the value of the property. If they gave an allowance to the owner, and there was no limit to the value, the owners of good property would shorten the tenancies in order to secure this allowance. This point had been constantly urged upon the Government. His hon. and learned Friend's Amendment would place a burden on the owner of cottage property which had never been placed by the Legislature upon any description of property. If they rated the owner of property without giving him an allowance, they would either frighten capital out of the building trade or compel the owner to ask a higher rent. The proposal was to place a higher tax upon cottage property than on any other description of property. In other cases the tenant might go away, and leave his rate unpaid and the parish authorities might lose it; but in the case of cottage property the owners would have to guarantee the rate and to do so gratuitously. It was in evidence that, in the metropolis the rents were habitually in arrear, and the risk run by the owners was a real one. It was impossible, on economical grounds, to pass the Amendment of the hon. and learned Member. The owners would say they were not going to expose themselves to this risk, and would insist upon tenants taking their houses for four or six months, instead of weekly. They would change the tenancies in order to escape the burdens put upon them. Therefore, they must make an allowance if the proposal of his hon. and learned Friend were agreed to. The point was one which ought not to be settled without great consideration, and he regretted that an Amendment of such extreme importance had practically only been before the country for three days. The hon. Member for Hackney (Mr. Holms) proposed that the overseers should rate the owners at their discretion. This emanated from the same idea—namely, that there was not sufficient compulsory power in the Bill. To that proposal he felt the same objection. It was not right to rate one owner in a parish without rating the others, or that the matter should be left to the discretion of the overseers, who were practically appointed by the justices of the peace, and whose views might vary considerably in different districts. Then it had been suggested by the hon. Member for Walsall (Mr. C. Forster), that the principle of the Small Tenements Act should be again adopted, and that the vestry should have the power of deciding by a majority whether all the owners throughout the parish should be rated or not. Now, he so far sympathized with the hon. and learned Member for Oxford that he believed it would be better to have a general law, and thus create uniformity, and that it would not be wise to give special powers to vestries. But of all the suggestions that had been thrown out, he preferred that of the hon. Member for Walsall, to give the parish the right to exercise a compulsory power. It would be necessary, however, to hedge this round with precautions. The hon. and learned Member had spoken of this Bill as affecting a permanent and absolute settlement of the question. He, however, was not so sanguine. It was impossible to settle in one Bill of this kind who were and who were not to be rated. He did not mean as regarded the franchise, but in respect to the great question whether the owner should be further rated in the future to other rates besides the poor rates. That was a question which could not be settled by one clause in a Bill, because it affected the whole of our local taxation. He would not pledge himself against the principle of the direct rating of the owner, far from it, but if they changed the whole of their burdens and placed the rates direct upon the owner, it would be necessary to re-consider how far the owner was satisfactorily represented. For the reasons he had given, it was impossible to support the Amendment of his hon. and learned Friend. The Government desired that this measure should pass this Session to secure a practical remedy for a grievance which they acknowledged, and they asked for the co-operation of the Committee to carry out that intention.

Sir HENRY HOARE regretted that the right hon. Gentleman was not able to accept the Amendment, which had the advantage of being plain, concise, and intelligible. He urged upon the

Government, and especially upon the Prime Minister, that at the elections the Liberal Members of the House were led to make many promises to their constituents in the right hon. Gentleman's name. They promised to obtain the Ballot, which was now withheld for this year; they promised to obtain the abolition of the representation of minorities; they promised to obtain a reduction of the county suffrage to a level with the borough franchise; and they promised, above all, to obtain the abolition of the rate-paying clauses of the Reform Act. If this Bill was to be carried at all, it should be carried in a shape which would recommend it to the working classes, and enable hon. Gentlemen to show that they had kept their promise in spirit and in letter.

MR. CAWLEY said, that as the representative of a large constituency of working men, he would suggest that the Bill should be so modified as to protect the occupier with regard to the recovery of rates left unpaid by his predecessor. It seemed to him that the Amendment of the hon. and learned Member for Oxford (Mr. Vernon Harcourt) was more technical than real. The 1st clause of the Bill only sought to make the landlord include the rate in his rent, and did not touch the question of composition.

MR. HOLMS said, he had found that the owners of the better class of poor property were practically carrying out all the provisions of the Bill without any screw at all; but he did not believe the owners of the poorest property would be induced by any optional means to compound with their tenants for the rates. The owners of the poorer class of that property did not and would not pay the rates if they could help it; and the reason was that if they did not pay them many of the poorer occupiers got excused from their rates, and the owners paid nothing whatever. Unless power was given to the overseers to rate the owners of poor property, they would escape in future as they did at present. As to the Amendment which he had placed upon the Paper, he would not have given notice of it had it not been for the fact that in the Interpretation Clause of the Bill the word overseer was made to include every authority making an assessment for the poor rate, or collecting it. The objection that the Amendment would give rise to favouritism on the part of the overseers must be dealt with practically and not theoretically, and in practice that objection was not found to operate. The Amendment now before the House had this disadvantage, that instead of giving people what they wanted, in many places it would give them what they did not want.

MR. CANDLISH said, he regretted that the right hon. Gentleman the President of the Poor Law Board had not seen his way to accept the present Amendment. The object of Clause 1, according to the right hon. Gentleman, was to precipitate composition under Clause 3; but the right hon. Gentleman's objection to the Amendment was that it was hard upon the owner. But the harder the screw was upon the owner the more likely it would be to accomplish its effect. The more onerous the terms under Clause 1, the more likely they would be to go to the arrangement under Clause 3. He admitted that the Amendment as proposed did not exactly meet the necessity of the position. There should be a limit to the amount chargeable on the owner, but it would be very easy to alter the Amendment so as to meet that point. Probably the right limitation would be the limit imposed by Clause 3. He also admitted that the Amendment made no adequate allowance to the owner beyond the allowance for the empties. There should be some compensating allowance for the risk and trouble he would incur. He thought it probable that the hon. and learned Gentleman (Mr. Vernon Harcourt) would be prepared to accept such an alteration of his Amendment, and then the proposal might meet with the approval of the right hon. Gentleman the President of the Poor Law Board.

MR. HENLEY said, that before stating why he should be unable to support the Amendment, he wished to explain that he thought his hon. and learned Friend (Mr. Vernon Harcourt) did not understand what was his meaning when he said that "compounding was a device of Old Nick to oppress the poor." The poor that were in his mind were those who were receiving parish relief, the widow and the destitute, for all these were made to pay. He wished to consider the Amendment in three lights—first, as regarded securing the rate; secondly, as insuring that the name of the occupier should be on the rate book; and, thirdly, as to what would be the least inconvenience to the rate-payer in paying his rates. His hon. and learned Friend based the whole of his argument as to the necessity of rating the landlord on the shifting habits of the present generation, and the fact that the occupiers were a moving class, and followed that up by a very strong, and no doubt in many cases true, description of the hardships which persons had to suffer in paying their rates. Then as to the remedy. His hon. and learned Friend said—"Rate the landlords;" but then came the difficulty which stared his hon. and learned Friend in the face—that of securing the rates to the parish. His hon. and learned Friend proposed in the case of a shifting, moving population, that in the event of the landlord making default of payment, not of one, but of two rates—that is, as the rates were ordinarily levied every three months, of six months' rates—the parish might come upon some unfortunate occupier who might not have been a week in the house, and call upon him to pay the rates for the six months.

Mr. VERNON HARCOURT said, that was not the purport of his Amendment. The occupier was only to pay to the overseer the weekly rent that was due, instead of paying it into the hands of the landlord.

Mr. HENLEY said, that even in that case he did not see what security the parish had for the payment of the rates, because there were defaulting landlords as well as defaulting tenants. He believed that the pressure on the tenant would then be much more severe than it was under the present state of things, while the security to the parish would be almost completely destroyed. It appeared to him that, in a very difficult matter, the proposal of the Government would create the least amount of inconvenience, and would best secure that the rate book should be the guide, and he should therefore support it in preference to the Amendment of his hon. and learned Friend. He believed that the offer made by the Government to the landlords was one with which the latter would be tempted to close, and if that were so, very little practical inconvenience would arise.

Mr. GLADSTONE said, in answer to the appeal of his hon. Friend the Member for Chelsea (Sir Henry Hoare), as to the pledges given at the General Election to proceed for the repeal of the rate-paying clauses, he wished to observe that it was a political formula which had been long in use, and which had not in the slightest degree grown out of the Act of 1867. Ever since the Reform Act of 1832 it had been incessantly discussed whether there should or should not be a repeal of the rate-paying clauses, meaning thereby whether the rate-payer should be exempted from paying his rate at a particular date as a condition to his obtaining the franchise. That was a totally different thing from the grievance complained of under the Act of 1867. The grievance under that Act was that a vast number of persons had been compelled to pay their rates who had never paid rates before, and that, from the position of relative inferiority in which the occupiers stood with respect to the owners, the change that had been made imposed on them the burden of paying the rate without any diminution in their rent. As far as regarded the repeal of the rate-paying clauses, if that was the promise given to their constituents, to fulfil that pledge would give no relief, for it would leave them liable to the rate in cases where they were not liable before. What the Government had to endeavour to do was to look to the actual pressing grievance, and to apply a remedy which should be effectual for the removal of the evil; but they had not attempted to introduce a system which should be universal, complete, and final. And he would venture to say that any attempt to introduce at this moment, in consequence of an Amendment first notified three days ago, a system which should be universal, complete, and final, would not only fail in itself, but would prevent them probably from applying a remedy to the present pressing evil. As to the objections to Clause 1, that of his hon. Friend the Member for Sunderland (Mr. Candlish) was that it was simply machinery to compel the owner to compound. That was a secondary object, the primary object being to afford a remedy for the grievance of the occupier. The only grievance to the occupier now would be that he would pay his rent to the collector of rates instead of to the collector of rents. Under the 3rd clause the owner would have the strongest possible inducement to compound. His hon. and learned Friend (Mr. Vernon Harcourt) said the clause did not go far enough, because in many cases it would hold out no sufficient inducement to the owners to compound. That had been answered by the hon. Member for Sunderland. If the Bill were too weak in that respect the proper remedy was to strengthen it not by giving arbitrary powers to the parish authorities authorizing them to compel certain owners to pay and to exempt others from the obligation, but by giving a general power to the parish authorities to decide whether the owners should or should not carry into effect a spstem of compounding. That was a subject which the Goverment left perfectly open for consideration. He now came to the Amendment before the Committee. The hon. Member for Sunderland had frankly admitted that they could not insert in the Bill the Amendment as it stood, but said that the hon. and learned Member for Oxford would be willing to change its form. As it stood the Amendment was open to a practical objection which appeared to be conclusive. It proposed that the owner should be rated in lieu of the occupier in case the rateable hereditament was let for a term of less than three months. Those words seemed to him to contain an insurmountable objection to the plan. The parish authorities knew, and could know, nothing whatever of the term for which hereditaments were let; the machinery and operation of rating did not place them in contact with that subject at all. They must have a new and strange system of inquisition into private affairs of a most laborious and costly kind, of which he was sure the hon. and learned Member had never dreamt, if they were to put the parish authorities in possession of those facts; and when they had done that it would be found that the result was not worth the labour, even if it could be done, which it could not. However sound, therefore, might be the principle of rating the owner, it was placed before the Committee at that moment in a shape in which they could not possibly adopt it; because to apply it only to the case of the owners of hereditaments that were let for a less period than three months was to apply it to something which no parochial authorities would be able to define, and consequently their enactment would remain a dead letter for want of the knowledge, or means of knowledge, necessary to give it effect. He need not refer to the latter part of the Amendment, namely—that the owner should be entitled to deduct from the rate a sum proportionate to the time during which the hereditament was vacant, because the difficulty he had already named was insuperable. Still that second provision, though perfectly just in itself, would introduce the greatest difficulty and complication in the working of the plan. But the hon. Member for Sunderland said the Mover of the Amendment was willing that the plan should be re-modelled, and that the criterion should be placed on the value instead of on the term for which the hereditament was let. No doubt by that change they would get rid of the practical objection that he had made; but when they came to deal with the question of the adoption of an alteration of their law so important as that, universally throughout the country and compulsorily, all owners should be rated in respect of a certain class of hereditaments, he thought it would be found that the mere fixing of the criterion of value for such a purpose was a matter that would require some time and consideration. But he wished to call the attention of the hon. and learned Member (Mr. Vernon Harcourt) to this point, that if they were about to adopt an enactment compulsorily imposing on the owners of hereditaments below a certain value the obligation to be rated and to bear the burden of a rate, they must along therewith proceed to re-adjust their law with respect to the representation of owners in the rating body. That, however, was a thing which could not be done in a day; and he wished them all to take a practical view of that matter, and to recollect that this was not a Bill which, in order to make it more perfect, they could conveniently postpone till another year. Therefore, without wishing to prejudice the substance of the questions involved in his hon. and learned Friend's proposition, he trusted that he would be content with having given rise to a useful discussion on that difficult and important matter, and would not press his Amendment to a division.

MR. DAVISON said, he had promised his constituents to do his best to obtain the repeal of the rate-paying clauses, but he hoped that after what had fallen from the First Minister of the Crown, the hon. and learned Member for Oxford (Mr. Vernon Harcourt) would not press his Amendment; especially if, in addition to what he had already said, the right hon. Gentleman would give some promise that that measure was not to be considered a final measure, but that in a future Session, and, if possible, next Session, further steps should be taken in the direction of relieving the occupier from the very great difficulty in which he was placed by the rate-paying clauses of the Reform Act of 1867.

Mr. HIBBERT said, he objected to the Amendment on several grounds—first, in consequence of the way in which it referred to hereditaments and tenements let for terms of less than three months, as it would be extremely difficult for the overseers to ascertain what tenements were let for such short periods; next, because it proceeded to rate the owners of one species of property, whilst it left the occupiers of every other species liable to be rated; and, lastly, because he feared that when the owner of this class of property was rateable there would be great difficulty in securing the insertion of the names of the occupiers in the rate book. In the town which he had the honour to represent (Oldham) the direct system of rate-paying had always prevailed, and the Bill would, he believed, confer no advantages on his constituents or meet any of their wants. He should, however, support the Bill, because it might meet the difficulties of the case in other boroughs.

Mr. LOCKE said, he hoped the hon. and learned Member for Oxford (Mr. Vernon Harcourt) would withdraw his Amendment, because a clause which stood on the Paper in his own name was, in his opinion, a far preferable one. At all events, it was strictly in accordance with the views expressed by the right hon. Gentleman at the head of the Government, and by the Liberal side of the House in 1867. It provided that in the case of rateable hereditaments, where the rent was payable at shorter intervals than quarterly, the owner and occupier should both be rated—a system which would, in his opinion, meet most of the difficulties of the case.

Mr. GOSCHEN said, the clause of his hon. and learned Friend (Mr. Locke) showed the enormous difficulties of the subject. Every Member who proposed to improve the Bill proposed to improve it in a different way. His objection to his hon. Friend's clause, which would be a very effective means of procuring the money, was that it did not sufficiently remove the grievance of the occupiers, who would still remain liable to rating and be subject to the visits of the tax-collector. Now, it seemed to be the feeling of the House that the Bill erred in this respect—that it did not sufficiently relieve the occupiers; and if it were the sense of the House that Clause 3 did not give to owners sufficient powers and inducements to compound, he would undertake to bring up a clause on the Report enabling vestries to rate the owners compulsorily.

Mr. VERNON HARCOURT said, he thought that the statement just made showed that the Government were disposed to deal as completely as they could with this subject; but he wished to know whether the vestries were to rate the owners compulsorily according to the limit of value—£20 in the metropolis, and £10 elsewhere? [Mr. Goschen: Yes.] Then that was carrying the principle of compulsory rating in the case of the owner rather further than he had proposed to carry it, and he should be quite satisfied with that undertaking. His argument went to this extent—that the owners instead of the occupiers should always be rated, though he had confined his proposal to weekly tenants, because the grievance was more conspicuous and obvious in their case than in any other. It should be remembered, however, that the vestries, which would be intrusted with this option, were elected under a system of plurality of votes, and he did not think the occupiers of this country would ever submit to have their political status determined by a vestry in which the owners had a majority of votes. This would not be a satisfactory and final settlement of the question; but he believed that, as formerly in the case of household suffrage, they would be glad to accept the boon which such limitations as they would get rid of on the first possible occasion. As to the rate collectors not knowing the nature of the tenancy, he ventured to say there was not a rate collector in London who did not know perfectly well whether any particular tenement was rented by the week, or the month, or the year. Regarding, after what had fallen from his right hon. Friend, the present proposal as an instalment, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Sir MICHAEL HICKS-BEACH *moved,* in line 9, to leave out "rateable hereditaments," and insert "dwelling-house or other tenement."

Mr. GOLDNEY said, that the insertion of the word tenement coupled with dwelling-house would leave the clause, so far as its operation was concerned, in the same position as before.

Amendment *negatived.*

Mr. NORWOOD said, he rose to move in line 10, to leave out "less than" and insert "not exceeding," so as to make the clause read that the occupier of any rateable hereditament let to him for a term not exceeding three months should be entitled to deduct the rate. In his constituency (Kingston-on-Hull) many thousand working men took their houses for three months, although they paid their rent weekly or fortnightly. There was no good reason for discouraging these three months' tenancies, and the concession he asked for would not affect the main purpose of the Bill.

Mr. GOSCHEN said, he had no objection to the Amendment.

Amendment *agreed to.*

Mr. RATHBONE moved, to insert after "hereditament," the words "of a rateable value not exceeding £20." He said that in Liverpool there were warehouses of considerable value that were let for shorter periods than three months, and he did not see why existing arrangements affecting them should be upset incidentally in this way when the whole subject was to be dealt with next year.

Mr. GOSCHEN said, the principle seemed to be quite as true in relation to houses above £20 as it was in relation to those below £20. He had no very great objection to the Amendment.

Amendment *negatived.*

Sir MICHAEL HICKS-BEACH said, he proposed to amend the clause by making it read that the occupier should be entitled "in the event of his tenancy being determined by any act of the owner," to deduct the rate. He said as the clause stood it would be possible for a tenant to pay the rate for the ensuing three months, and immediately afterwards to give a week or a fortnight's notice to leave. He would then be entitled to deduct the three months' prospective rate from the rent, which would be a great hardship upon the landlord, who might not be able to re-let, or might have to let at a rent which would not compensate him for the rate he had allowed. The property owners of Liverpool, Manchester, and Salford were against this proposal of the Bill, which he thought would put an unfair burden on them. He begged to move in line 10, after "entitled," to insert "in the event of his tenancy being determined by any act of the owner."

Mr. GOSCHEN said, that the question raised by the hon. Baronet really came to this—whether the 1st clause should be retained at all. To limit the clause as the hon. Baronet proposed was to make it altogether nugatory.

Amendment *negatived.*

Mr. LOCKE moved, in line 11, after "poor," to leave out "rate," and insert "and other rates." Under the existing law the various rates were directed to be collected with the poor rate by the overseers, and unless the provisions of the Bill were extended to the case of those other rates as well as the poor rate it would effect very little. In the rating papers the various rates were so mixed together that it was almost impossible to separate them.

Mr. GOLDNEY said, he would point out that in some improvement Bills for several small towns throughout the country the occupiers of houses were entitled to have water and gas supplied to them at a certain sum per head, and that it would be very hard if a necessity to their occupation were charged upon them in the same way as the rate for the relief of the poor. If the Bill were to be carried, it must, he thought, be limited to the objects which it was introduced to meet.

Mr. GOSCHEN said, that the Reform Act touched only the poor rate, and that a power of composition still existed with regard to other rates. The case of the metropolis was, however, somewhat different, for there it was provided that the overseers should, "in levying those rates proceed in the same manner as in levying the rate for the relief of the poor," It might, therefore, be necessary to refer to other rates, and if his hon. and learned Friend would withdraw his Amendment he should take care that words should be introduced in the Interpretation Clause to meet the case of the metropolis.

Amendment, by leave, *withdrawn.*

SIR MICHAEL HICKS-BEACH moved, in line 11, after the insertion after the word "hereditament," to insert "for a period beyond the term of his occupation." This would confine the operations of the clause to the only case in which a grievance could possibly arise. There could be no reason why a tenant for three months should not be liable to pay a rate made for that term, any more than why a yearly tenant should not be liable to a prospective rate for a year. The grievance which this Clause was intended to remedy was where a tenant was turned out by his landlord after having paid a prospective rate for a long period, during a great part of which he would thus not be the occupier of the premises rated. His landlord ought then to recoup him; but not in any other case.

MR. GOSCHEN said, the Amendment would only make matters more complicated.

Amendment, by leave, *withdrawn.*

MR. HIBBERT suggested that an allowance should be made to owners who had paid the rate, and whose tenants had left without notice and without paying the rent.

DR. BREWER said, he thought that Parliament ought not to protect landlords against bad bargains.

MR. CANDLISH said, he hoped that, for the sake of making the "screw" more effective, no such provision would be made.

MR. HIBBERT said, that in the borough which he represented (Oldham), they did not want composition at all; and therefore, he thought, it would be unjust to put the "screw" on in their case.

COLONEL BARTTELOT desired to say that he did not think what they were doing would benefit the poor people at all. By placing these rates upon the owners they would discourage them in building that particular class of tenement; the owner would prefer to use his money in other ways.

MR. GOSCHEN said, that the grievance referred to by his hon. Friend the Member for Oldham (Mr. Hibbert) might occur in some few cases. He would consider the matter; but, as he did not think that landlords were likely to suffer to any considerable extent, and as inconvenience would result from adopting the suggestion, he was not prepared to promise that he would adopt it.

Clause, as amended, *agreed to.*

Clause 2 (Amount of rate payable by occupier).

MR. CAWLEY moved, in page 1, line 16, after "than" to leave out to end of clause, and insert "the amount of rent then due from him."

Amendment *negatived.*

Clause *agreed to.*

Clause 3 (Owners may agree to pay the rate and be allowed a commission).

MR. SIMONDS *moved,* in page 1, line 18, to leave out "rateable value," and insert "gross estimated rental."

MR. GOSCHEN said, that in the clause as it stood the principle of deduction recognized in the Small Tenements Act, and in most of the local Acts, was again adopted. He did not think it would be well to depart from that principle.

Amendment *negatived.*

SIR MICHAEL HICKS-BEACH *moved,* in line 18, to leave out "hereditament" and insert "dwelling-house."

MR. GOSCHEN said, he had no objection to the use of the words proposed in cases of compulsory compounding; but he thought it would be better to retain the clause as it stood, and before bringing up the Report he would consider the point raised by the hon. Baronet.

Amendment, by leave, *withdrawn.*

SIR MICHAEL HICKS-BEACH said, that in many cases an abuse had sprung up of returning houses at lower rents than were paid, so as to bring them within the limits of compounding. Cases had been discovered at Southampton, in which the rentals actually paid for houses had been £15 12*s.* a year each, while they were returned to the overseers at such low rents that the compound rateable value of each house eventually became only £3. As a means of preventing this, he proposed to fix a limit of tenancy as well as of annual value. He moved, after "hereditament," to insert "let to an occupier for a term less than three months."

Mr. GOSCHEN said, there were many places where the Small Tenements Act had been applied to tenancies of six months or a year, and it would be hard to exclude them. A further objection would be that the landlords would be tempted to shorten their agreements with the tenants; and generally it would interfere with the other arrangements. He hoped the hon. Baronet would not press the Amendment.

Colonel EDWARDES said, he was glad the President of the Poor Law Board had refused to accept that Amendment.

Amendment, by leave, *withdrawn.*

Mr. CORRANCE *moved,* in line 21, after "the" to leave out "overseers," and insert "vestry of any parish."

Mr. GOSCHEN said, he thought it might be advisable to insert words requiring the consent of the vestry, while retaining the word "overseers." He would consider the matter before the Report.

Amendment, by leave, *withdrawn.*

Sir MICHAEL HICKS-BEACH said, he proposed that the agreements between the overseers and owners should be for one year, instead of not less than one year, as provided by the clause. The reason for the Amendment was that the parochial authorities changed every year. He moved, in line 22, to leave out "any term not being less than," and insert "the term of."

Amendment *agreed to.*

Sir MICHAEL HICKS-BEACH moved to leave out from "and" to "not," in line 24, inclusive. He wished to raise the question whether composition was a good thing or not, and whether the owner should pay the rates on empty houses. He did not see why the owners of empty cottages should be subjected to a charge from which the owners of empty houses of a better description were relieved. If trade were prosperous, and if a man's houses were all let, he would put the 25 per cent in his pocket, but if, on the other hand, almost all his houses were empty, then to make him pay for them was to encourage him to screw as much as he could out of those that were left, and the result would be to drive the other occupiers upon the poor rate. If the houses were empty there could be no beneficial occupation. The other day the House decided to exempt Sunday Schools from the rates because there was no beneficial occupation. Why, then, should they rate houses of small value that returned no profit to the owner? No doubt in times of distress the parish would get more if the owner paid the rates for empty houses, but on the average of years the contrary practice would be for the benefit of the parish, as in prosperous years the allowance of 25 per cent would be a simple loss which need not be incurred.

Mr. GLADSTONE said, he hoped that the hon. Baronet would not ask the Committee to join in a general discussion upon the point which he had raised in his Amendment. No doubt the question was one of importance, but it had already been settled, and ought not to be renewed. Owners who laid out money in houses of the kind referred to of course reckoned that a certain number of them would be empty, and had no difficulty in calculating the amount of rate which they would have to pay on empty houses. This plan was perfectly simple. But if the owner was to be compelled to find out how many of these houses were occupied at a certain time, and on what particular day a tenant left or came in, he would lose a great deal of valuable time, which represented money. The overseers, moreover, would be uncertain what would be the yield of a given rate, when they ought to be able to calculate its amount exactly.

Amendment, by leave, *withdrawn.*

Mr. WHITE *moved,* in line 24, to leave out "may" before "agree," and insert "shall and are hereby required on the application of the owner to—."

Mr. GOSCHEN said, this was a proposal that the owners should compel the overseers to agree with them. As the Committee objected to giving the overseers a similar power of dealing with the owners, they should reject the Amendment. The overseers, he thought, would hardly be satisfied at a discretionary power being given to the owners of all the best property to compound and get 25 per cent off.

Amendment, by leave, *withdrawn.*

Mr. RATHBONE said, he proposed to substitute a commission of 33⅓ per cent for that of 25 per cent named in the clause. Circumstances varied in different towns, and the limit he proposed was purely permissive. The town represented by his hon. Friend the Member for Oldham (Mr. Hibbert) probably did not require such a high rate; but in Liverpool, with a large population of a migratory character, the vestry were of opinion that a rate of 25 per cent would not induce the owners to compound.

Amendment proposed, in page 1, line 26, to leave out the words "twenty-five," in order to insert the words "thirty-three and a-third."—(*Mr. Rathbone.*)

Mr. CORRANCE said, he preferred the Amendment of which he had himself given notice; but he was willing to support that now proposed; and, although but a partial recognition of the householders' rights, and of the hardships inflicted upon the poorer class, he was glad that it was not altogether in a spirit of barren penitence that the question was treated by the opposite Bench. The Amendment had, in his opinion, the demerit of imposing a limit upon the discretion of the local authorities. His Amendment proposed that the composition should not be less than 20 per cent, or more than 40. Referring to remarks which had fallen from various speakers, the hon. Member went on to express his gratification at the admission that a complete and comprehensive measure was due from the Liberal party to restore the rights of which the poorer classes had been deprived.

The CHAIRMAN, interrupting the hon. Member, said, that his remarks seemed rather directed to the clause as a whole than to the Amendment, which related to the amount of the commission to be allowed.

Mr. CORRANCE said, his contention was that the commission, although a *solatium* to those affected by the former Act, could not be regarded in the light of a final and comprehensive measure, more especially as the provisions of the present Bill extended to other towns hitherto unafflicted with political rights. Persons acquainted with local circumstances and with the local value of property were, he contended, the best and only proper judges in cases of this kind.

Mr. MELLY corroborated the statement of the hon. Member for Liverpool (Mr. Rathbone) as to the expediency of increasing the limiting value. Not merely in different towns, but in different parishes of the same town, circumstances varied so widely as to require in some cases a commission of 30 or 33 per cent, while in other cases a commission of 15 per cent was found to be sufficient.

Mr. DIXON said, he had given notice of an Amendment raising the maximum allowance to 50 per cent where the rateable value did not exceed £5 a year, and to 33½ per cent where it was above £5 and did not exceed £10. If the power were not given to make the allowance in some cases as large as this, the landlords would not have sufficient inducement to compound. He knew that this was the opinion of the overseers both in Manchester and Birmingham. If landlords were forced to compound at a disadvantage to themselves, they would, of course, add something to the rent in order to compensate themselves. Supposing that his proposal was even too favourable to the landlord, the poor would in the end reap the benefit, as it would stimulate the building of small tenements.

Mr. VERNON HARCOURT said, he hoped the Government would not consent to any proposal for increasing the amount of discount. Experience had shown that 25 per cent was quite sufficient to cover the risk of collection, and anything beyond that would be a bribe to the owner. If either of the proposals before the Committee were adopted the colour of the Bill would be changed, and it would become a Bill in the interests of the owners, not of the occupiers of property. It would operate most unfairly on those who occupied their own cottages—precisely the class who were most deserving of encouragement.

Mr. GOSCHEN said, that if his hon. and learned Friend (Mr. Vernon Harcourt) remembered what had passed that evening he would call to mind that the hon. Gentleman the Member for Oldham (Mr. Hibbert) and others had protested against the injustice done to owners of property by the Bill. The hon. and learned Gentleman evidently thought that the chief thing which the Government ought to do was to repeal the rate-paying clauses of the Reform Act; but to do so would be to bring back the Small Tenements Act, with its allowances of 50 per cent, and the local allowances, amounting sometimes to 66 per cent. The 25 per cent which he himself proposed ought not to be regarded as a bribe, but as a legitimate allowance for a not inconsiderable risk. The allowance proposed by the Bill was the lowest ever introduced into any local or public Act, and if any change in it were made, it ought to be rather in an upward than a downward direction. At the same time he thought 25 per cent was enough, and if any increase at all took place, it should be made when the owners were rated not under an agreement, but under compulsory powers given to local authorities. He objected to giving options to vestries whether this or that allowance should be granted; all margins were more or less occasions for jobbery.

MR. HIBBERT said, he thought 25 per cent a fair allowance. He believed an increase of the percentage would go exclusively into the pockets of the owners. He hoped the Government would be firm in resisting any increase of the maximum.

MR. CORRANCE said, he was disappointed at hearing the hon. Member for Oldham (Mr. Hibbert) say that 25 per cent was enough. They were, whilst restoring to one class rights abrogated by the passing of the Reform Act, proposing by that measure to take away rights belonging to another class. They were much indebted to the right hon. Member (the President of the Poor Law Board) for exposing the fallacies of the hon. and learned Member for Oxford (Mr. Vernon Harcourt). It was evident the hon. and learned Member, simple as was the matter, had failed to comprehend it. The 25 per cent was given to owners in case they were unfortunate enough to have their houses unlet at times; and he could not see that 50 per cent would be too much, as the vestries gave that of their own accord, and surely they knew what the risk was worth, and would give as little as possible? It had been confessed that the Liberal party owed something to the poorer classes of householders, which they gave them. Let full restitution of parochial rights follow the gift.

LORD HENLEY said, he hoped that the hon. Member for Birmingham (Mr. Dixon) would press his Amendment, as upon the success of that Amendment he (Lord Henley) believed depended the satisfactory working of the Bill. Unless they made a very considerable reduction there would be no inducement to owners of low-rented property to undertake payment. He wished as much as possible to place those persons who lived in small tenements in as good a position as they were before the Reform Act was passed.

MR. CAWLEY said, it was a fallacy to suppose that increasing the amount of the deductions to the landlord would act injuriously on the occupier. Rent was really regulated by supply and demand, and the owners of cottages would always get as much as they could from the tenant in the shape of rent. It was not the occupier who would get the benefit of the deduction, but the owner, and it was not right to encourage too large deductions. He thought 25 per cent quite sufficient.

MR. RATHBONE said, he could not withdraw his Amendment. He was convinced that the hon. Member for Birmingham (Mr. Dixon) was quite right when he said that a large part of these rates fell upon the occupiers. When they were about to remove these burdens from the shoulders of the poor occupiers, they should do the thing handsomely.

MR. GOLDNEY said, in his opinion that an allowance of 25 per cent was quite sufficient.

MR. GLADSTONE said, the Government intended to be guided entirely by the opinion of the Committee in this matter. Still, he should endeavour to persuade the Committee to resist anything like an immoderate reduction from the rates for the benefit of the landlords. He might, however, observe that the right hon. Gentleman the President of the Poor Law Board had intimated his willingness to introduce a clause giving the parish authorities power to enforce composition upon the owners of small tenements, and in that case it was but reasonable that a large percentage should be allowed the landlord. The Committee was now dealing with voluntary composition. In the event of the deductions being found too small after a trial, it would be easy to ask the House to increase them, whereas if they were now made too large it would be impossible to reduce them on a subsequent occasion. It was, therefore, upon sound principles of political economy that he asked the Committee to support the clause as it stood.

MR. MUNTZ said, he hoped that the hon. Member for Liverpool (Mr. Rathbone) would divide the Committee, because he could not at all agree with the remarks of the right hon. Gentleman the First Lord of the Treasury. The principle had been recognized that some deductions should be allowed, and he had been assured by competent authorities that nothing less than 33⅓ per cent would induce the landlords to compound.

Sir MICHAEL HICKS-BEACH said, he was glad to hear from the hon. and learned Gentleman (Mr. Vernon Harcourt) a condemnation of the system of composition. Since, however, the House had adopted that system he was glad that Her Majesty's Government were going to stand firm at the 25 per cent deduction. That would not be the only allowance that the owners of this class of property would obtain, because, under the Valuation of Property Bill about to be considered, they would get about as much again. It was not surprising that the hon. Members for Liverpool (Mr. Rathbone) and Birmingham (Mr. Dixon) should support Amendments like that now before the Committee, because nothing could be more profligate than the compounding system adopted in those boroughs before the Reform Act. Actually, in a rate of 2*s.* in the pound at Birmingham the owners of compounding property were allowed the sum of £12,700.

Mr. RYLANDS said, he thought that the Amendment ought to be considered in relation to its exact terms, and not in relation to the suggestion of the hon. Member for Birmingham (Mr. Dixon). They should offer to the owners of cottage property such a fair allowance as would induce them voluntarily to accept the arrangement proposed by the Bill, without the necessity of being brought under the action of a compulsory clause. He could say from practical experience, in the borough he represented (Warrington), that the 33⅓ per cent proposed would only be a sufficient allowance, and that less would not be considered fair by owners in that part of the country.

Mr. M'ARTHUR said, he could not support the Amendment of the hon. Member for Birmingham, but he should support the Amendment of the hon. Member for Liverpool. He represented a borough which was much affected by this question. He believed that 25 per cent would not be sufficient in the borough of Lambeth, where a large number of houses were empty, and where many owners were paying the rates for houses for which they could not obtain the rents.

Question put, "That the words 'twenty-five' stand part of the Clause."

The Committee *divided:*—Ayes 213; Noes 26: Majority 187.

*Mr. Muntz*

Sir MICHAEL HICKS-BEACH said, he rose to move that £12 be substituted for £20, the sum named in the clause. Few Members of the House, he apprehended, would wish to extend the operation of this clause beyond what was actually necessary, and he thought he could show that the limit of £20 was higher than was needed in the metropolis; for the Committee must remember that that sum referred to rateable value. Under the Valuation of Property Bill deductions might be allowed in the case of a house of £50 rental of 20 per cent for repairs and insurance, of 20 per cent because the owner paid the rates and taxes instead of the occupier, and of 20 per cent because the house was let to weekly tenants, or to tenants hiring for periods less than three months. Thus there would be a deduction of no less than 60 per cent from the gross estimated rental, so that a house let at £50 a year would be reduced to a rateable value of £20, and come under the operation of this clause. Now, the occupiers of houses of £50 per annum were not the class of persons who ought to be relieved by this Bill. Many of the local Acts of the metropolis fixed the limit of composition at from £14 to £20 annual value, and the consequence was that a great deal of property had been unfairly relieved under those Acts. He did not think there was the least need for the proposed high limit as far as the metroplis was concerned; but if there were, surely large provincial towns, such as Liverpool, Manchester, Birmingham, and other Parliamentary boroughs, having a population of over 200,000 inhabitants, ought to enjoy the same advantages. He believed that the limit fixed by Her Majesty's Government was too high, and if £12, as proposed by him, was considered too low, some figure between the two might advantageously be adopted. The hon. Baronet concluded by moving in line 10 to leave out "twenty" and insert "twelve."

Mr. GOSCHEN said, there was, he believed, almost a unanimous opinion in the metropolis in favour of a £20 limit. The fact was, that the rents, especially of the dwellings of the working classes in London, were much higher than they were in other parts of the country, the rents even of Liverpool bearing no comparison in this respect. He, therefore, trusted that the Committee would sanction the clause as it stood.

Amendment *negatived.*

SIR MICHAEL HICKS-BEACH said, he rose to move in line 11 to leave out "ten" and insert "six." The fact was that, owing to deductions of 15 per cent for repairs, 20 per cent on account of the house being let to weekly tenants, and 20 per cent for the rates being paid by the landlord instead of the occupier, a house of £6 rateable value would in reality be a house of £12 rental. Not only, therefore, was that limit sufficiently high, but he believed it was all that was needed by the country. He trusted that the Committee would assent to the Amendment.

MR. RATHBONE said, the effect of the hon. Baronet's (Sir Michael Hicks-Beach's) Amendment would be to except the town which he represented from the benefit of the Act. He would suggest that there should be three limits—£20 for London, £13 for towns with more than 200,000 inhabitants, and in other towns £10.

MR. HIBBERT said, he thought there should be a higher limit than that proposed by the hon. Baronet in the case of towns with a larger population than 200,000.

MR. GOSCHEN said, that this was a matter upon which the Government were perfectly prepared to meet the wishes of the Committee, who, he believed, were rather in favour of reducing the limit fixed by the clause. London and Liverpool were exceptional cases. He was informed that in the case of Manchester and Birmingham the figure 8 would be regarded as satisfactory.

MR. DIXON said, the limit ought not to be fixed at less than £8 for Birmingham, but he thought £10 a better figure.

MR. CANDLISH suggested that the amount should be £16 in London and £8 in the country.

MR. COLLINS said, he believed that that limit would give general satisfaction. He believed the House had got into difficulty by fixing the amount for the metropolis too high.

MR. CHADWICK said, he hoped the clause would be allowed to stand as it was.

MR. P. W. MARTIN said, he thought £8 would give perfect satisfaction.

MR. GOSCHEN said, he thought it would be better to retain the £10 limit for the country. In places where it was too high the overseers would not put up the composition to £10.

SIR MICHAEL HICKS-BEACH withdrew his Amendment of £6, and moved instead to insert £8.

MR. RATHBONE gave notice that on the Report he should move to except Liverpool from the £8 limit, and to fix the amount at £13 in that case.

MR. GOSCHEN said, he thought it was impossible to legislate for every particular place; but he would have no objection to place Liverpool in the same position as the metropolis.

Clause 3, as amended, *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

## ABYSSINIAN WAR.

### NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That the Select Committee on the Abyssinian War do consist of Nineteen Members."—(*Mr. Candlish.*)

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Sir Wilfrid Lawson.*)

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Mr. Baxter nominated one of the Members of the said Committee.

Motion made, and Question put, "That Sir Stafford Northcote be one other Member of the said Committee."

The House *divided*:—Ayes 26; Noes 5: Majority 21.

And Forty Members not being present—

House adjourned at half after One o'clock.

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# HOUSE OF LORDS,

*Tuesday, 22nd June,* 1869.

MINUTES.]—*Sat First in Parliament*—The Lord Stuart of Castle Stuart, after the death of his Father.

PUBLIC BILLS—*First Reading*—Endowed Schools* (139); Local Government Supplemental * (140); Poor Law Board Provisional Orders Confirmation * (142); Inam Lands * (143).

*Committee*—Beerhouses, &c. * (122-145).

*Third Reading*—Drainage and Improvement of Lands (Ireland) Supplemental * (39), and *passed.*

## POOR IN ENGLAND AND WALES.

### ADDRESS FOR A COMMISSION.

THE MARQUESS OF TOWNSHEND rose to move an Address to Her Majesty for the issue of a Royal Commission to inquire into the operation and administration of the Laws for the Relief of the Poor in England and Wales. He thought the necessity for some alteration in the present law was too manifest to require much argument. Much had undoubtedly been done by the Poor Law Act of 1834, but a great deal still remained to be done. Instances of maladministration were daily brought under public notice and Social Science Congresses had discussed the subject, declaring that reform was very urgently needed; that nothing could be more unsatisfactory than the present administration of the Poor Law; that vast sums were spent in the relief of undeserving persons, while much real distress was unrelieved. The law professed to secure food, clothing, and shelter to all in distress; yet the streets were infested by beggars, and the feelings of the public were frequently harrowed by tales which were often too true, of deaths from cold and starvation. A foreigner hearing these things must be astonished to find what a mass of misery and want was unattended to in a country which boasted of its high civilization. He understood that Her Majesty's Government were opposed to the appointment of a Commission, and he regretted that they had come to such a decision. His opinion was that no Bill that could be introduced on the subject would prove adequate to remedy the evils complained of, unless it was preceeded by a full and ample investigation by a Royal Commission. Taking into account the magnitude of the distress which prevailed and the number of years during which things had been in an unsatisfactory condition, he thought the Government ought to take upon themselves the responsibility of some action similar to what he had suggested.

*Moved*, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue a Royal Commission to inquire into the operation and administration of the Laws for the Relief of the Poor in England and Wales.—(*The Marquess Townshend.*)

EARL GRANVILLE begged to remind the noble Marquess that full and frequent inquiries had taken place of late years on the subject of pauperism and the action of the Poor Laws. Committees sat upon the question in the years 1861 and 1865; the facts of the case had been exhausted. The facts that these inquiries had elicited were before the public, and the very anxiety of the noble Marquess that there should be prompt action on the subject was one of the strongest arguments that could be adduced against going over the whole investigation again, as would be the case were the Commission appointed. It was really the duty of the Government, assisted by both Houses of Parliament, to deal with the question, instead of referring it to a Royal Commission, which would merely accumulate facts already well known.

Motion (by Leave of the House) *withdrawn.*

## PARLIAMENT—ORDER IN THE HOUSE.

### OBSERVATIONS.

LORD ROMILLY: I venture to call your Lordships' attention to a circumstance which must already have presented itself to your notice—namely, the applause which during a recent debate proceeded from the Strangers' Gallery. Your Lordships are aware that there is a Gallery allotted to the gentlemen of the Press, and another at the back of it appropriated to strangers; and it is to the latter I am referring. Now, if the expression of approbation which occurred last week had been a casual and solitary case I should have taken no notice of it; but those of your Lordships who have paid attention to the subject cannot fail to have remarked that the practice of applauding speeches in which a particular interest is taken has been exhibited during the entire Session, and has of late been gradually increasing. Now, I do not consider that a very grave offence—far from it. I should be the last to visit with severe reprehension those who applauded the touching peroration of the noble Earl opposite (the Earl of Derby) by stamping with the feet, or those who clapped their hands at the somewhat more elaborate and laboured peroration of the noble and learned Lord (Lord Cairns); but what I wish to do is to call the attention of the House to the consequences which must flow from such manifestations unless they are checked—and they cannot be checked at all unless in their infancy. I may re-

remind your Lordships of a very instructive page of history—an incident of the first French Revolution. Your Lordships will recollect that the general practice in the Galleries during the sittings of the National Assembly took a great interest in the Convention, and there gradually grew up a sympathy between the occupants of the Galleries and some of the orators, which eventually came to overawe the Assembly. Sometimes the sentiments and sympathies of the Assembly were not in accordance with those of the Gallery—on one occasion, indeed, a speaker remarked that though the Assembly did not sympathize with him, the public did—and the Gallery, in point of fact, was used for the purpose of overawing the Assembly. Now unless this practice is stopped in the outset it will acquire such a head that your Lordships will in the end be unable to check it. This becomes the more necessary, since it has been stated to be very desirable to bring your Lordships' House more into accordance with the feelings and opinions of the public, and to make it an Assembly in which the public will take greater interest than they have hitherto done. It is therefore of the utmost importance that your Lordships should not allow any interference on the part of strangers in the direction of overawing or in any way affecting the expression of opinion of your Lordships. I need not point out, too, how inconsistent such practices are with the dignity of your Lordships' House. When I was a Member of the House of Commons the rule, I believe, was that if the person making a demonstration could be distinguished he was removed from the Gallery, and that if he could not be distinguished the Gallery was cleared. That, it seems to me, is the only course which can be pursued. I think that if a notice stating the rule of the House, and that it will be rigidly enforced, were put up at the entrance to the Gallery, it would probably prevent any further trouble. I owe some apology for having brought this subject before your Lordships, but it is one on which I feel very strongly.

EARL GRANVILLE: I am very much obliged to my noble and learned Friend for having brought forward this subject, which is unquestionably worthy of the attention of the House. I was not aware, until my noble Friend mentioned it, that these manifestations had been of frequent occurrence; I am aware, of course, that, to a considerable extent, they had prevailed during the course of the debates of last week—and, perhaps, I am myself culpable in not having taken more notice of it. Indeed, on rising after the able speech of the noble and learned Lord (Lord Cairns), I was asked to move that the Gallery be cleared, in consequence of the cheers which followed the noble and learned Lord's peroration. I hesitated, however, to take that course; for I felt that probably the great majority of the persons in the Gallery on that particular occasion were from a part of the United Kingdom where the people are supposed to be peculiarly impulsive; doubtless, also, many of the old constituents of the noble and learned Lord were there, and, having heard their own thoughts better expressed by one of their own countrymen than they had ever been able to express them themselves, the temptation to cheer was irresistible. I thought it better, therefore, to make no remark, though the cheers somewhat interrupted the observations which I felt it my duty to make. Before sitting down I may also add that I was asked to call attention to the conduct of a very distinguished and eminent member of the Church of England, standing on the steps of the Throne, who was alternately cheering and groaning at passages of speeches to which he assented or dissented. I refrained in that case also from taking any public step; but I sent a private message to him that the observation had been made; and, as it is an ill wind which blows nobody good, I am happy to say that I received a charming letter, together with the present of a book which animadverted on the speeches delivered in the great debate of last year, and which I always retain as a memorial of those debates. I quite agree with my noble and learned Friend that these interruptions in the Strangers' Gallery ought to be put a stop to. The plan he has suggested seems to be sufficient for the purpose; and I hope it will be adopted. I think also that the officers who are charged with the preservation of order in the House should receive strict injunctions to see that no infringement of the rules of the House is allowed.

LORD CAIRNS said, he quite agreed that the practice referred to was a very irregular one, and ought not to be continued. He could not, however, agree with the noble and learned Lord (Lord Romilly) that there was any intention of overawing their Lordships on the part of the strangers in the Gallery who had applauded a particular speech. [Lord ROMILLY said he had not said so.] He understood his noble and learned Friend to say, that if the custom were not put down at the commencement it might in time assume dimensions which might lead to their Lordships being overawed. He (Lord Cairns) did not think there had been any intention on the part of the strangers, on the occasion in question, to overawe their Lordships. His noble and learned Friend had pointed out how, in one memorable instance, the custom had assisted very materially in bringing about a revolution. That was certainly a precedent of very evil omen, when many people thought that the course they were taking in regard to the Irish Church amounted to a revolution. The noble Earl seemed to have ascertained the nationality of those from whom the manifestations proceeded; but he (Lord Cairns) was rather disposed to regard them as an example of that quality which had been so recently commended in that House—namely, that feeling of John Bullism which was always sure to make its innate ideas and convictions known, without reference to the suitability of the place or time, or to the manner in which they were expressed.

THE EARL OF LONGFORD said, there were some points connected with the regulations for the admission of strangers and their location here which, as well as their conduct, it might be desirable to refer to a Committee. But while they were discussing the question how strangers were to be made more conformable to rule noble Lords themselves should be careful to inform themselves of the rules of the House, and conform to them in all cases. He noticed a right rev. Prelate last week who invited three strangers to take their place on the steps of the Throne.

THE EARL OF CARNARVON said, their Lordships were much indebted to the noble and learned Lord (Lord Romilly) for having called attention to this matter. He could hardly suppose that we were on the eve of a revolution, or that such catastrophes as those which occurred in France were impending; but there was no doubt that much mischief might arise from allowing this practice to continue, and that steps ought to be taken to stop it. Allowance should, no doubt, however, be made for the peculiar circumstances of the occasion; and the noble and learned Lord, from his cognizance of legal proceedings, must be aware that there were occasions when the rule of silence which was so stringently laid down in the courts of law and justice could not be altogether enforced even by the most resolute Judge. There was another inconvenience from which their Lordships frequently suffered—the hum of conversation which was constantly kept up below the Bar. The noble Earl who usually spoke from the cross-Benches (Earl Grey) was on one occasion, indeed, so interrupted that he was obliged to break off and remonstrate; and in the Committee which sat last year to consider the arrangements of the House, of which he (the Earl of Carnarvon) was Chairman, he drew special attention to the fact that their discussions were constantly interrupted, though unconsciously and unintentionally, by the hum of conversation below the Bar. That arose from the large space so set apart, and partly from the practice of Peers, Members of the House of Commons, and strangers collecting there and discussing public matters. The suggestion of the Select Committee was that the officers of the House should have orders to enforce silence, and this should be done both in the Gallery and below the Bar. In fact it was their duty to do so. The space below the Bar was a serious evil; and he should ask permission later in the Session to call attention to the Report of the Committee with a view to the adoption of some alterations, which, though slight, would, he thought, be of great advantage.

THE MARQUESS OF SALISBURY said, he desired to say a word on behalf of the persons below the Bar. He did not think they were the greatest interruption in their debates. It appeared to him that the hum of conversation of which they complained proceeded quite as frequently from those within the House as from those without. He remembered, indeed, that when he was comparatively new to the House, he was astonished to find that, while one Cabinet Minister was making a speech, two other Cabinet Ministers were talking in so loud a tone that he could not hear him, though sitting opposite to him.

The practical suggestion he would venture to make was that their Lordships should abate something of that jealousy which they had always manifested with regard to the noble and learned Lord on the Woolsack, and should place in his hands the power of keeping order, not only in the Gallery and below the Bar, but within the precincts of the House. They need not fear, he believed, that such a measure would lead to any real curtailment of their privileges, for they would always be able to prevent a tyrannical Lord Chancellor from abusing his powers.

THE EARL OF CARNARVON said, he would remind his noble Friend that he (the Marquess of Salisbury) had himself moved a Resolution in the Select Committee with reference to the noble and learned Lord on the Woolsack; but the feeling was that any such authority should not be exercised by a Member of the House appointed by the Government, but by an officer appointed by the House, irrespective of political considerations.

THE EARL OF MALMESBURY said, the noble Marquess had hit the right nail on the head when he said that the noise by which their debates were sometimes interrupted proceeded much more frequently from the interior of the House than from the external portion of it. The fact was, that whenever a speech was worth hearing there was always a dead silence in the House — and there could be no better proof of that than the way in which the important debate of last week was conducted, for every speaker was listened to with the greatest possible attention. It was only when the orators were themselves not very audible, or when the subject was not very interesting, that private conversation went on. The noble Marquess had suggested that the noble and learned Lord on the Woolsack should be the *custos* of our manners and proceedings. No one, I think, could be more fitted to the task than the noble and learned Lord who at present occupied the Woolsack; but he (the Earl of Malmesbury) hoped that the noble Marquess would not go further and require that the Lord Chancellor should be invested with more than the usual formal powers—that he would not, for instance, furnish him with a bell, to ring whenever any of their Lordships were out of order.

THE DUKE OF CLEVELAND said, he thought the House was generally speaking, exceedingly attentive, and there was not much conversation, when the subject under discussion was one of interest. He feared, however, that the noble and learned Lord (the Lord Chancellor) would find it extremely difficult, as was the case with the Speaker of the House of Commons, to preserve order in cases where the subject was one about which half the Members present cared nothing. He agreed with the noble and learned Lord (Lord Romilly) that what occurred the other night was an abuse; and he was told that it had happened on three or four occasions. It was therefore time that they should act on the principle of *obsta principiis*, and should take some such measure as that suggested by the noble and learned Lord. It was true that in courts of law the silence which ought to be preserved was sometimes transgressed; but this always met with censure from the Judge; and so in their Lordships' House notice ought to be immediately taken of any interruption. The officers of the House should be directed to take notice of any person who committed a breach of order; and, in extreme cases, they might resort to the clearing of the Gallery—though that had very seldom been done in the House of Commons, and should not be lightly resorted to.

EARL STANHOPE said, he should be glad if the noble and learned Lord (Lord Romilly), or the Government, would follow up this conversation by proposing a Standing Order for intrusting the noble and learned Lord on the Woolsack with the duty of maintaining order in the House. It was obvious, however, that the noble and learned Lord could not properly discharge some of the functions of the Speaker of the House of Commons. He could not, for example, decide what particular Peer should address their Lordships, for he himself took part in the debates; whereas the Speaker of the House of Commons was excluded from so doing. He might, however, very properly discharge the function of seeing that order was preserved, and no one could doubt that it would be most satisfactorily discharged by the noble and learned Lord at present occupying the Woolsack.

LORD TAUNTON said, their Lordships should bear in mind that the situation of the noble and learned Lord on the Woolsack was very different from that of the Speaker of the House of Commons. The latter was chosen by the House itself, took no part in the debates or in party politics, and was, therefore, always an unsuspected authority, who could regulate the proceedings of the House with the strictest impartiality. The Lord Chancellor, on the other hand, was appointed by and was a Member of the Government of the day, and was not removed beyond the sphere of party politics, and if he were required to regulate the order of their debates, he would often be placed in a very invidious position. No doubt all their Lordships would have the fullest confidence in the noble and learned Lord who at present filled that position, but it was necessary that the question should be considered in a much more general manner. License might be taken by speakers as well as by hearers; and when a Member who did not address the House with any great acceptance was not very interesting, or spoke at greater length than was necessary, a discipline was necessarily exercised. Indeed, the sittings of a public body would be intolerable if there were not means of showing a speaker—though it might be in a rather unpleasant manner—that it was not inclined to listen to him; and if the slightest whisper or conversation was repressed by the noble and learned Lord on the Woolsack with judicial authority, it would not be for the convenience or advantage of the House. Unless the evil was much greater than he believed it to be, he should be very sorry to see the duty of keeping order intrusted to the noble and learned Lord on the Woolsack. With regard to the Gallery, it was quite right that decorum should be maintained, and that such displays of feeling as they had witnessed last week should be at once suppressed. At the same time he did not think they were very terrible, or that they were likely to lead to an invasion of the House by fishwomen and others like those who overawed the Assembly of revolutionary France.

Lord REDESDALE said, he entirely agreed with the noble Lord who last spoke (Lord Taunton) as to the undesirability of giving any such authority over their debates to the noble and learned Lord on the Woolsack. Their Lordships must remember that the Lord Chancellor was frequently the junior Member of the House, and it would consequently be most painful for him to begin his duties by having to call other Peers to order. Moreover, he was always connected with the Government of the day—frequently a prominent Member of the Administration—and his first appearance on the Woolsack was necessarily in connection with a change of Government. These considerations were sufficient to show how difficult it would be for him to keep order in times of political excitement. Much, too, would depend on individual character. All must admit the courtesy and discretion of the present Lord Chancellor; but he had known Lord Chancellors whose exercise of authority would have been resented in the strongest possible manner; and he feared that might at some time occur which would lead to most unpleasant circumstances if their Lordships were in any way to alter the custom of the House with regard to the maintenance of order. He remembered a time when certain noble Lords paid special attention to the order of their proceedings, and were always ready to interpose their cry of "Order" whenever they observed any infraction of their rules. This interference proved very effectual in enforcing regularity. There did not, unfortunately, seem to be any Peers at the present moment who cared to undertake that duty.

Earl GRANVILLE said, that all their Lordships had the power of enforcing order, and all ought to contribute individually to the maintenance of order during their debates; but there was another Member besides the Lord Chancellor who had not yet been named, and who might in a peculiar manner be entrusted with that duty, and that was the noble Lord the Chairman of Committees.

The LORD CHANCELLOR said, their Lordships would allow him to say that he agreed so entirely with every observation that had fallen from the Chairman of their Lordships' Committees that it was scarcely necessary for him to add anything to what had been said; but in three sentences he would state why it was their Lordships ought not to introduce any such change as had been suggested with reference to the Lord Chancellor. There were three remarkable distinctions between the Speaker of the House of Commons and the Peer who occupied the Woolsack, which distinctions had a bearing on the cheerful obedience which was paid to the Speaker on the one hand, and the feeling which was entertained with respect to the authority of the Lord Chancellor on the other. First, the Speaker was chosen by those who wished to select him for the office; secondly, he was chosen from among Members distinguished by their long acquaintance with the business of the House, and to whose decisions on points of Order or calls to Order implicit deference was therefore paid; and, thirdly, he could not be a partizan, had no opportunity of speaking except in Committee, and was generally supposed to be a person free from the trammels of party. The Lord Chancellor was at a great disadvantage in these particulars, and it therefore seemed to him that great inconvenience might be expected to arise from placing him in the invidious position of regulator of their Lordships' deliberations.

**EARL BEAUCHAMP** pointed out that the conversation had drifted away from the original subject—that of the conduct of strangers in the Gallery. He would not take up their Lordships' time by going into the graver question of maintaining order among themselves — but they ought not to loose sight of the very grave question which was involved in the conduct of strangers in the Gallery. He rose to confirm what had been said with regard to the great irregularity committed in admitting strangers to the steps of the Throne during the debates of last week. The steps of the Throne were reserved for sons of Peers, Privy Councillors, and foreign Ambassadors; but last week the steps of the Throne and the passages of the House were thronged by persons who had no claim whatever to any of these qualifications. Many of them indulged in loud conversation during the debates. Something had been said about preserving order through the medium of the officers of this House. Last week he was himself annoyed by three persons talking loudly; he called them to order, and found that they were three of the messengers of this House. Therefore they must not be too sanguine with regard to enforcing rules through the medium of their officers, unless some of their Lordships would themselves enforce the rules of the House, and insist on maintaining that demeanour on the part of strangers which no doubt ought to be preserved. At the same time he hoped measures would be taken to have the steps of the Throne reserved for those who had a right to be there, and who were naturally annoyed at finding themselves jostled and hustled by those who had no claim to the privilege. The place for strangers was in the Gallery and at the Bar; and he trusted that in the future, if the debates should be as attractive as they were last week, the steps of the Throne would be reserved for the distinguished personages for whom they were intended. Last week their Lordships' House had been graced by a large attendance of Peeresses, and he regretted to say that, in addition to Peeresses and the unmarried daughters of Peers, there was a considerable attendance of the married daughters of Peers, who had no right to a place in the Gallery, and who occupied the places which otherwise would have been occupied by Peeresses who were anxious to be present. He trusted that in the future the rules of their Lordships' House in this respect would be better observed.

## INAM LANDS BILL [H.L.]

A Bill to render valid certain Title Deeds for Inam Lands—Was *presented* by The Duke of ARGYLL; read 1ª. (No. 143.)

House adjourned at half past Six
o'clock, to Thursday next,
half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 22nd June,* 1869.

MINUTES.] — SELECT COMMITTEE — New Law Courts, *appointed.*

PUBLIC BILLS — *Ordered—First Reading*—Suburban Commons* [174]; Criminal Lunatics* [172]; Poor Law (Ireland) Amendment (No. 2)* [173].

*Second Reading* — Witnesses (House of Commons)* [129]; County Courts (Admiralty Jurisdiction) Act (1868) Amendment* [121]; Debts of Deceased Persons* [165]; Joint Stock Companies Arrangement* [140].

*Committee*—Imprisonment for Debt (*re-comm.*) [98]—R.P.; Marriage with a Deceased Wife's Sister [23], *debate adjourned.*

*Committee — Report* — Bankruptcy (*re-comm.*) [97-169]; Sunday and Ragged Schools [67-170]; Companies Clauses Act (1863) Amendment* [138]; Fines and Fees Collection* [159-171].

The House met at Two of the clock.

## THE ARREST OF MURPHY.—QUESTION.

Mr. GREENE said, he would beg to ask the Secretary of State for the Home Department, Whether it is true, Murphy, the Protestant lecturer, was taken into custody on Monday the 14th, previous to the meeting at Birmingham on the Irish Church Question; if so, will he object to lay upon the Table a Copy of the information on which he was arrested showing the charge preferred against him; whether any investigation has taken place; and, under what Act of Parliament he was arrested?

Mr. BRUCE said, in reply, that he had recently received a letter from the Mayor of Birmingham stating that large placards were posted about the town informing the people that Mr. Murphy would attend the meeting on the Irish Church Question. Considering this announcement respecting a man who had created so much tumult in Birmingham and other towns might lead to fresh disturbances in a meeting called to consider so interesting a subject as the Irish Church Bill, he (the Mayor) was impressed with the conviction that in the interest of peace and order he should prevent Murphy entering the Town Hall, and therefore ordered his arrest. Murphy was accordingly arrested, bail was taken for him, and he appeared before the magistrates, who dismissed the case. No information was laid, and consequently none could be produced. He (Mr. Bruce) had been unable to discover that the Mayor of Birmingham acted under any Act of Parliament or had legal sanction for what he did; he appeared to have acted on the basis of *salus populi suprema lex*, and to have undergone some considerable personal hazard for the purpose of averting a popular danger.

Mr. NEWDEGATE said, he wished to know when the Returns in answer to the Order of the House will be made with reference to the precedent of Law under which the right hon. Gentleman himself acted in a previous case with respect to this person and others who contemplated holding a meeting?

Mr. BRUCE said, he was very sorry to say he was unable to answer that question.

Mr. GREENE said, he would beg to ask, Whether any man was answerable for the consequences, if he happened to cause a disturbance by his speech; whether, in fact, he was liable to be arrested?

Mr. BRUCE said, he had given the Mayor of Birmingham's own statement of his reasons for acting as he had done; he was not prepared to say whether he acted in strict accordance with legal principles.

## NAVY—ADMIRALTY CLERKS.

### QUESTION.

Lord HENRY LENNOX said, he would beg to ask the First Lord of the Admiralty, Whether the re-organization of the Secretary's Office and other Departments of the Admiralty have been completed; if so, what is the result of such changes; whether the reductions have been effected by the voluntary retirement of Clerks; and, whether the Report of the Committee and the Correspondence relating to these reductions will be produced?

Mr. CHILDERS: Sir, the re-organization of the departments of the Admiralty in London is not completed. It is proceeding steadily, but not with undue haste, in order that it may be as complete as possible, and that personal interests may be fully considered. The department of the Controller of the Navy, the Store Branch, the Contract Branch, the Medical Office, and the Coastguard Office may be considered as finally dealt with. The new arrangements of the Accountant General's Office are under consideration of the Treasury. Those of the former establishment of the Secretary are nearly complete, but will not be finally settled until the new permanent Secretary has had time to consider them. The establishment of the Victualling Office is now being re-arranged. That of the Transport Office has not yet been taken in hand. Up to the present time fifty-two clerks in these offices have been discharged, or decided to be discharged, whose salaries were £20,250. Of these, forty have actually left. This reduction has been effected with the help of the Committee, of which the Earl of Camperdown is Chairman, who first consulted the heads of departments as to the abilities of their officers—both those who applied to retire and those who did not—and then personally saw those whom it was desirable to pension off. The Committee heard and considered every representation made by these gentlemen, and the public owe much to their considerate and careful action. The result so far is that whereas the salaries of the establishments in last year's Estimates were at the rate of £148,823 a year, and in this year's Estimates at £135,368, we have already reduced them to £125,644, or by £23,000. But when the other establishments are revised still greater reductions will be made, because writers will be substituted for a considerable number of clerks as vacancies occur; and, besides, other clerks than those already retired are expected to apply for retirement shortly. No clerks have been discharged against their will. In several cases there was hesitation, and some correspondence, but ultimately I believe that in every case the retirement was voluntary under the terms approved by the Treasury. I cannot give the exact financial effect yet; the pensions not being all settled, and the reductions not completed. On the whole Vote I do not think that the reduction will be less than £25,000 a year. Against this there will be the increase of superannuations to the extent of £15,000, but these of course will fall off every year. I propose to lay on the table, when the operation is complete, the Report of the Committee and all the correspondence between the departments of the Admiralty and with the Treasury as to this and as to other reductions, and I hope before the end of the Session to have an opportunity of giving the result of other economical arrangements as to contracts and stores. I may add that we have commenced further reductions in the establishments of clerks and civil officers at the dockyards. Twelve have been already reduced, all at their own request, but the inquiry as to the future strength cannot be fully made until the autumn.

Lord HENRY LENNOX said, he would beg to thank the right hon. Gentleman for his answer; and to ask whether he will engage that the case of those gentlemen whose interests have suffered and are suffering from the delay which has occurred in the organization of the office will be taken into consideration by the right hon. Gentleman when the organization has been completed?

Mr. CHILDERS: I am not aware that anyone's interest has suffered from delay; but, on the contrary, I have always been apprehensive that some might suffer from haste. However, I will undertake to say that any case where personal interests have suffered shall have my best attention on its being brought to my knowledge.

## BANKRUPTCY (*re-committed*) BILL.

(*Mr. Attorney General, Mr. Solicitor General.*)

[Bill 97.] COMMITTEE.

[*Progress. 18th June.*]

Bill *considered* in Committee.

(In the Committee.)

Postponed Clause 130 (Compensation to holders of abolished offices). Amendment proposed, in page 46, line 1, to leave out the word "Where:"—(*Mr. Ayrton:*)—Question proposed, "That the word 'Where' stand part of the Clause."

The ATTORNEY GENERAL said, he would state, in a few words, the course proposed to be taken by Her Majesty's Government. He understood that a very strong opinion had been expressed by many of his hon. Friends that it would be somewhat invidious to place the Commissioners in a different category from that of the Registrars. He would accordingly propose to strike out Clause 130, and to deal with all entitled to compensation in Clause 131. In that way the Commissioners, the registrars, and all who held office during good behaviour, would be dealt with alike. A wish was also expressed by several hon. Members that there should be a power given to the Lord Chancellor—and he was sure that the Committee would feel that the Lord Chancellor might be safely trusted—in certain special cases to award to the Commissioners or registrars the full amount of their salaries where he might think that justice required it. A provision had, therefore been introduced to that effect. Where any claims to compensation beyond the ordinary amount of two-thirds arose those claims would come before the Lord Chancellor, who, with the consent of the Treasury, would be empowered to deal with them, and award the compensation which he might think just. He begged to move that Clause 130 be struck out.

Clause *struck out.*

Clause 131 (Compensation to clerks).

The ATTORNEY GENERAL moved in line 12, after "office," to insert "or employment," which he believed would meet the views of the Committee.

Amendment *agreed to.*

Mr. Serjeant SIMON proposed after the word "abolished" to insert "or discontinued," with the view of compensating short-hand writers who had given their whole time to taking notes of the evidence.

The ATTORNEY GENERAL said, that the word "employment" which had been introduced in the clause would embrace all who had any title to compensation. He must therefore oppose the Amendment.

Mr. G. GREGORY said, he thought the Government had gone quite far enough.

Amendment, by leave, *withdrawn.*

Mr. MORLEY asked what security they had in the case of future employments against this claim of freehold?

The CHANCELLOR of the EXCHEQUER said, the matter would require legislation, and he had it in hand.

Mr. MORLEY said, he was glad to hear it.

The ATTORNEY GENERAL *moved* in line 18, after "service," to insert—

> "Provided, That when any such person held his office during good behaviour, or during good behaviour subject only to removal by the Lord Chancellor by order, for some sufficient reason to be stated in such order, the Lord Chancellor may, with the approval of the Commissioners of the Treasury, award under special circumstances an amount equal to the salary of any such person; and in every other case the sum awarded shall not be less than two-thirds of the salary of such person."

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

The ATTORNEY GENERAL moved a new clause, embodying the regulations under which the creditors of a debtor unable to pay his debts may, without any proceedings in bankruptcy, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

Clause *ordered* to be added to the Bill.

Mr. G. GREGORY proposed a clause providing that every solicitor of the Court of Chancery shall be, and may practise as a solicitor of, and in the Court of Bankruptcy, and in matters before the Judges, Commissioners, or Registrars, in Court or in Chambers, may appear and be heard without being required to employ counsel. His object was to put the solicitors in the London district on the same footing as solicitors in the country in the respect of bankruptcy practice. He submitted this proposal with no wish to make any invidious reference to the other branch of the profession; but there was a great deal of rough-and-ready practice in bankruptcy, and he thought it would be admitted that the business devolving on solicitors there had hitherto been satisfactorily discharged by them.

Mr. NORWOOD said, that barristers should not have priority of audience in bankruptcy.

Mr. HINDE PALMER thought that solicitors should be allowed to continue to practice as they had hitherto done in the Court of Bankruptcy, though he thought that the clause was hardly necessary for that purpose.

Mr. WEST thought that the phrase in the clause should be "solicitors and attorneys."

Mr. JESSEL said, that so long as we had a separate set of practitioners for advocates the privileges of these advocates should be maintained; but, as the other branch of the profession had for many years had the privilege of practising in bankruptcy, he would ask the Attorney General to agree to the clause, especially as it would tend to save expense. The clause, however, would want some amendment, for otherwise it would give solicitors the right of appearing in the Court of Appeal.

The ATTORNEY GENERAL said, he doubted whether the clause was necessary; but, as it might be, perhaps, a matter of some doubt, it was desirable that the law should be clear. He quite agreed that it was for the public benefit that solicitors should practice in the Court of Bankruptcy. He would therefore accept the clause, but proposed to make a slight alteration, and that it should run—"Every attorney and solicitor of the Superior Courts."

Clause, as amended, *ordered* to be added to the Bill.

Mr. G. GREGORY moved the insertion of a new clause (Fees and expenses of sheriff)—

> "Where the trader is adjudged a bankrupt after his goods have been taken in execution by the sheriff, but before the sale thereof, the fees and expenses of the sheriff consequent on such seizure, including therein mileage, levy fee, and possession money, shall be paid by the trustee out of the property taken in execution, or the proceeds thereof."

In such cases at present the sheriff was compelled to make a return of *nulla bona*, and in consequence lost his costs.

Clause (Fees and expenses of sheriff,) —(*Mr. George Gregory*,)—*brought up*, and read the first time.

MR. JESSEL opposed the clause on the ground that it dealt with too large a question—the reform of the law of sheriff. The person to pay the sheriff was the execution creditor, because he set him in motion, and he paid nothing if the sheriff got nothing from the debtor. He could understand a proposition to make the execution creditor pay in such a case as the hon. Member contemplated, but the hon. Member wanted to make another person pay. If the law of the sheriff's officer was altered, he would recommend that he be made an officer of the court and paid a salary; but he deprecated any Amendment of that law in a Bankruptcy Bill.

MR. M. CHAMBERS observed that the sheriff was bound to act by order of the Court, to take possession of the goods, and to advertise their sale; and it would be unfair that he should be put to that expense without being recouped.

MR. G. GREGORY said, that it was really only carrying out a principle of the general law that a sheriff should be paid his expenses.

THE ATTORNEY GENERAL said, he did not see sufficient reason for the proposed change in the law. The effect of it would be that the sheriff, or rather the under sheriff, would receive certain fees out of the bankrupt's estate which he did not receive now. That would be a premium to execution creditors to issue executions when they ought not. He was not prepared to alter the law in the direction of paying sheriff's fees out of the bankrupt's estate.

MR. BARROW supported the clause. The sheriff was acting in obedience to an order from a Superior Court, and it was only right that he should be indemnified for the expenses incurred in the execution of that order.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 60; Noes 141: Majority 81.

MR. RATHBONE *moved*, after Clause 125, to insert the following clause:—

(Office of justice of the peace or town councillor vacated by bankruptcy.)

"Any person who, being a justice of the peace or town councillor is adjudged bankrupt, or has his affairs liquidated by arrangement, or compounds with his creditors, or makes an assignment to trustees for his creditors, shall, from the date of the order of adjudication, or of the commencement of the liquidation, or of the deed of composition, be and remain incapable of acting as a justice or town councillor until he has been reappointed or re-elected, as the case may be; and if he so acts before such re-appointment or reelection, shall, for every occasion on which he so acts, incur a penalty not exceeding one hundred pounds."

MR. HINDE PALMER objected to the clause as not possible to be adopted in its present shape.

THE ATTORNEY GENERAL said, that under all circumstances, he could not accept the clause.

Clause *negatived*.

MR. HIBBERT proposed a new clause to provide that County Court Judges should receive an increased salary in case they had conferred upon them jurisdiction in Admiralty or Bankruptcy under "the County Courts Admiralty Jurisdiction Act, 1868."

THE ATTORNEY GENERAL said, he was by no means sure that this Bill would throw extra work upon those Judges. The question ought to be left until it were seen whether they had to perform extra duties or not.

MR. HIBBERT contended that the duties of the Judges would be increased by the provisions of this Bill.

MR MORLEY said, he hoped the Government would not consent to the clause. It would be time enough to increase the salaries of the Judges of the County Courts when they ascertained that this Bill would increase their duties.

Clause *withdrawn*.

MR. HIBBERT proposed a new clause to regulate the retiring pensions of Judges of County Courts.

Clause *negatived*.

MR. HIBBERT then moved a clause to repeal the 11th, 12th, and 13th sections of 29 & 30 *Vict.* c. 14. Those clauses enacted that in the event of a vacancy occurring in the office of high bailiff in any County Court, if the registrar of such Court were willing to perform the duties of that office, no successor to such high bailiff should be appointed unless the Lord Chancellor should otherwise determine. Most of the County Court Judges had remarked that this change, which was hastily made, was by no means a desirable one; and the result of it had been that in many large towns the registrars had undertaken the duties of high bailiff, whereas in small places the two offices had been generally retained, because the office of bailiff was not sufficiently remunerative to induce the registrar to accept it.

The ATTORNEY GENERAL said, that his hon. Friend's proposition was irrelevant to the present Bill, and, besides it would be very imprudent to resuscitate those officials who had been got rid of with so much trouble. The clauses referred to in the Amendment had been enacted after the fullest consideration.

Clause *negatived.*

Mr. NORWOOD (in the absence of the hon. Gentleman Mr. Whitwell) proposed the insertion in the first Schedule, line 6, after "dyers," of the word "farmers" contending that there was no good reason why farmers and graziers should not come under the head of traders.

Schedule I.

Amendment proposed, in page 47, line 6, after the word "dyers," to insert the word "farmers."—(*Mr. Whitwell.*)

Mr. M'MAHON contended that farmers and graziers were not traders, but producers—they never had been treated in any other capacity, and he hoped the Attorney General would not consent to the Amendment.

Mr. MORLEY said, the object of the exemption was to exempt non-traders from the penal consequences of the law, and he saw no reason why the farmers should be exempted.

The ATTORNEY GENERAL said, there could be no doubt that in one sense farmers were traders; but they had never been treated as such, and he saw no reason to alter the old and settled principles of law. There was the less reason for this, as everybody could now be made a bankrupt whether he was trader or non-trader.

Mr. ANDERSON said, notwithstanding the arguments of the hon. and learned Gentleman, he must urge his hon. Friend to persevere with his Amendment. Farmers were traders in every sense of the word—they traded in manures and seeds, and produced a marketable article. He hoped his hon. Friend would persevere with his Amendment.

Question put, "That the word 'farmers' be there inserted."

The Committee *divided:*—Ayes 58; Noes 152: Majority 94.

Schedules and Preamble *agreed to.*

On Question, That the Bill be reported,

Mr. NORWOOD suggested that, as the Bill had undergone so much amendment, it should be re-printed, and that the Report should not be brought up for a week.

Mr. G. B. GREGORY concurred in this suggestion.

Colonel BARTTELOT said, he had intended to bring the case of the Commissioners and Registrars before the Committee; but when he rose for that purpose he was told by the Attorney General that that was not the occasion. He afterwards found that that was the occasion, and that he had lost his opportunity. These gentlemen had been appointed under an Act of Parliament, under which they had a freehold office for life.

The ATTORNEY GENERAL said, he thought the hon. Gentleman would find that he was right in stating that the matter in question did not rise on the clause which they were discussing when the hon. Member rose, but on Clause 131 and the two following clauses. He thought that the Commissioners and registrars had had ample compensation awarded them. With regard to the suggestion made by the hon. Gentleman behind him (Mr. Norwood), he had to acknowledge his services and co-operation in passing the Bill, and had no doubt he was sincere in his desire that the Bill should become law this Session; but his desire to postpone the Bill for a week was hardly consistent with that desire. They were now arrived at the end of June, and there were many other measures of great importance before the other House. Then, though there had been a great many Amendments made in the Bill, the substantive principle of the Bill had not been altered. The Bill would be printed to-morrow, and he trusted that the House would not think it unreasonable if he proposed that the Report be brought up on Friday.

Motion *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Friday*, at Two of the clock, and to be *printed.* [Bill 169.]

IMPRISONMENT FOR DEBT (*re-committed*) BILL—[BILL 98.]

(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer.*)

COMMITTEE. [*Progress 18th June.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 4 (Abolition of imprisonment for debt, with exceptions).

Question proposed, "That the words 'default in payment of sums in respect of the payment of which orders are in this Act authorized to be made,' stand part of the Clause."

THE ATTORNEY GENERAL said, it would be convenient that he should now state the reasons which had induced him to make a change of some importance in the Bill. The principle of this Bill was the abolition of imprisonment for debt. By imprisonment for debt he meant the power which a creditor had to imprison a debtor for an unlimited time until the debt was paid, without reference to the question whether the debt was contracted by fraud, whether the debtor was or was not able to pay, or whether non-payment arose from misconduct or unavoidable circumstances. That power of imprisonment for debt he proposed to abolish; but, if so, it was only fair to give the creditor every reasonable facility for obtaining the property of his debtor, and for that purpose the Government believed they had made the Bankruptcy Law simpler, cheaper, and more stringent. But that law applied only to debtors of a certain amount. It would be obviously absurd to make a day-labourer a bankrupt; there must be some limit, and the limit which the House had adopted was that of £50; so that, where a man owed above £50, the Bankruptcy Law could be enforced against him, and he could be examined, under some circumstances, arrested, and his property taken from him and divided amongst his creditors. But then came the question, what were they to do with the debtors below £50, and who were not subject to the Bankruptcy Law? Were they to be allowed to escape from the payment of their debts altogether? This raised the very difficult question of the County Court jurisdiction. The County Courts had not the power of imprisoning a debtor merely for non-payment of debt, but they could commit a debtor to prison, under two sets of circumstances which it was desirable to keep distinct. The first was where the debt was originally contracted by fraud, or incurred by the debtor knowing that he had not the means of payment; and, secondly, where the debtor could pay the debt, but wilfully refused to do so. The desirability of abolishing the power of imprisonment in County Courts had been pressed upon him in many quarters; but he did not feel himself justified in acceding to the request, although he had acceded to it so far as imprisonment under one set of provisions was concerned; and he did propose to abolish the County Court power where the debt had been originally contracted by fraud, believing that the acts of such debtors would be better dealt with by the general criminal law. Therefore, instead of leaving a fraudulent debtor subject to the County Court jurisdiction, he proposed to transfer him to the Criminal Courts, where the rich and poor would be dealt with on the same footing, and punished accordingly. But then came the other question of County Court imprisonment, where a man was able to pay his debt, but would not do so. He did not regard that imprisonment as a mere punishment for a past offence; but it was a process of imprisonment for the purpose of compelling the payment of a debt, and it was a process very analogous to the principle of the Bankruptcy Law. He had had conferences on the point with the County Court Judges, and he found that they were almost unanimous in favour of maintaining the power of imprisonment in the latter case, as they thought that the Courts could not be worked without it. The power, however, was exercised in comparatively few cases. He found, by a Return showing the proportion of debtors imprisoned to the number of plaints issued in the years 1864, 1865, 1866, and 1867 in all the County Courts of England, that the average for the our years was 834,088 plaints entered, 93,383 judgment summonses, 26,833 warrants issued, and 7,202 debtors imprisoned, or one imprisonment to 104 plaints entered. Many men would not pay their debts until the order of committal was made out; and he had received representations not only from County Court Judges and the trading classes, setting forth that these debts would not be paid if this power were not continued, but also on behalf of the working classes themselves, stating that if it were abolished their credit would be gone, and credit to a poor man, let it be remembered, was almost a necessity of his existence. For these reasons he had come to the conclusion that this power of imprisonment in the one case he had mentioned must be maintained. Then came the question, if maintained in the County Courts, why should not the same power be extended to the Superior Courts in cases where the debt exceeded £50? And as the general feeling of the House appeared to be in favour of such extension, he was ready to amend the Bill in that sense. He therefore proposed that the Superior Judges should have the same power of committal as the County Court Judges — namely, for six weeks. He trusted that this proposition would meet with the approbation of the Committee, and he now moved to omit at the end of Clause 4 the words "in the County Courts and other inferior Courts."

The CHAIRMAN intimated that a previous Amendment had been given notice of by the hon. Member for Glasgow (Mr. Anderson).

Mr. ANDERSON said, he had given notice of an Amendment to leave out paragraph 6—

> "Default in payment of sums, in respect of the payment of which orders are in this Act authorized to be made in the County Courts and other inferior Courts."

Having alluded to the expense incurred by the country in consequence of the present system of imprisonment for small sums ordered to be paid by the County Court, he remarked that the fear the working classes would be unable to get credit if the power of imprisonment were abolished was groundless, because they would continue to get credit on the only proper basis—that of good character; and the abolition would have the good effect of putting a stop to the tally system. But as the Attorney General had consented to adopt the proposal of the hon. Member for Hull (Mr. Norwood), he would not move his Amendment.

Mr. BRODRICK said, his experience had shown him that a very strong objection existed among the working classes against the abolition of imprisonment for debt, because the present state of the law was the only security a large proportion of the community was able to offer for credit. The position of the large and the small debtor was essentially different. The man who owed a large sum was almost always able to give security. The man who owed a small sum had nothing but his person to pledge. By taking away the power of imprisonment for debt a large portion of the community would be prevented from obtaining any advances at all. He hoped the Committee would pause before taking a step which, in the supposed interests of the working men, would inflict a considerable evil on that large class of the community.

Mr. WEST stated that his position in Manchester obliged him to deal very largely with small-debt summonses, and his experience had led him to conclude that the sooner they were put an end to the better. In the first place, the cost to the public of maintaining prisoners and their families was very considerable; but besides that, the sacrifices which the law forced the working classes to make, in order to avoid committal, amounted to a very serious burden. It had been often stated that the County Court Judges were opposed to abolition of imprisonment for small debts, but the weight to be given to their objection was diminished by the consideration that they seemed to think that society only existed in order to maintain some work for them to do. Now, if the small-debt summonses were abolished there would be hardly any work for the County Court Judges, because as it was now they only sat on an average two days and a fraction of a day a week. He thought the argument with respect to credit had been put rather too strongly. It was said that these small debts ought to be regarded as debts of honour. He believed that to be the right view, and was fortified in that view by the opinion of Lord Abinger, who said a man of good character could always get credit; if his character was bad he did not deserve to have any, and it was better he should not be trusted at all. He had great experience in these matters, and he could say that there was no part of the duty of the Judge in the Small Debts Court so painful or unsatisfactory as the decisions which he had to give in these cases. How could a County Court Judge give an opinion as to whether a working man would be able to pay or not? He admitted that there was a strong feeling throughout the country on the question, and that probably the country was not ripe for the abolition of imprisonment for debt altogether. He was glad that the Attorney General proposed to apply the same law to the rich and to the poor. The proposal of the hon. and learned Gentleman was, perhaps, the most satisfactory that could be made in the present state of public opinion, and under the circumstances he should give it his support, reserving to himself, on a future occasion, to move the total abolition of imprisonment for debt, when he should find the country in favour of it.

MR. HENLEY said, he was sorry to think that the Government were taking in this matter a decidedly retrograde step. In what was entitled a Bill for the Total Abolition of Imprisonment for Debt they were giving to the Judge an arbitrary power of imprisonment if he thought the debtors were able to pay. It was rather a fine distinction for the Attorney General to say that this was not imprisonment for debt. The injustice which had been going on for some years was never made more clear than by what was now attempted to be done. They could not justify a state of things by which a man who owed a debt below £50 was liable to imprisonment, while one who owed a large sum went free, and therefore it was now proposed to extend penal imprisonment—for penal imprisonment it was—to all persons. The Attorney General did not state in what condition in the prisons the new class of prisoners would be—whether they were to come into the same category as those whom the County Court Judges made prisoners. The Attorney General had justified his proposal by the opinions of the County Court Judges; but those who had lived some time in the world must remember when a man might be hanged for stealing a shilling's worth, and plenty of learned Judges gave it as their opinion that it would be impossible to say what might happen if this penalty were taken away. And so also, when imprisonment on mesne process was taken away an injustice was got rid of, but now they were taking a backward step. It appeared from the last Return of judicial statistics that there were more than 8,000 cases of imprisonment under the County Court Acts, and he should like to ask how many there would be under the proposed new process. He had hoped that when they spoke of a Bill for the Abolition of Imprisonment for Debt that it would have been fairly carried out, and that the humble would have been exempted as well as the great; but, as he had said, they were retrograding—giving to the higher a power of appeal which was not secured to the humbler debtor. As to stopping credit, he did not believe that the abolition of imprisonment would have any such effect.

MR. D. DALRYMPLE said, that if imprisonment for small debts were abolished they would inevitably do away with the system of credit, without which the poor man in periods of scarcity and distress would not be able to get on. He had experience of a working population which earned large wages for nine or ten months of the year, and were out of work for two or three; and were it not for the credit given to these poor people when out of employment their homes would inevitably be broken up and they would have to go to the workhouse. Instead, therefore, of having to maintain a certain number of debtors who would not pay, the country would be saddled with the expense of keeping a great number of people in the workhouses. On behalf of a considerable number of small shopkeepers in the city which he represented (Bath), he could state that they were adverse to the abolition of imprisonment for debt.

MR. G. GREGORY said, he thought that grave consequences had followed from the extent to which we had already gone in the abolition of imprisonment for debt. That could not be altered, but still graver consequences might follow if we were to go further in the same direction. He would therefore support the proposal of the Attorney General.

MR. JAMES said, if he understood the proposition of the Attorney General, it was this—to confine imprisonment for debt to the case of debtors who, having means to pay, refused to do so. Of late years the current of our legislation had taken one direction—that of gradually depriving the honest creditor of his right and remedy. He had placed an Amendment on the Paper, by which he proposed that a man incurring a debt with the knowledge that he would be unable to meet it should be liable to imprisonment, and in support of this principle he could refer to the Bill now under discussion, because one of its clauses made this a criminal offence, with imprisonment for a term not exceeding one year. By adopting this course, however, you would take away from the creditor every opportunity of recovering his money, because he would have to incur all the expense of a criminal prosecution, and, if he abstained from going on with it in consideration of the payment of his debt, would lay himself open to a prosecution for compounding a misdemeanour; while if he failed in substantiating the charge, as he probably would, because the knowledge of a man's financial position could not well be obtained from anyone but the man himself, he would expose himself to an action for malicious prosecution.

Mr. PEEK said, that a good deal had been said as to the poor man in reference to the question before them. He believed there was no real hardship in the law as it at present existed, and in support of this view referred to a Petition which he presented to the House some three weeks ago, in which 107 clerks, artizans, and others living at Reigate and in the neighbourhood objected to the Bill on the ground that the powers intrusted to the County Court Judges were not harsh towards the working classes, while their removal would prevent the working classes from obtaining credit when out of employment. He had ascertained that at Reigate, during three years, there had been only nine persons imprisoned by committal from the County Court; while at Dorking, from January, 1866, to December, 1868, out of 690 plaints there had been only twenty-three committals, and of these only six were actually imprisoned. He was glad that the Attorney General proposed to keep the law in its present state.

Mr. JESSEL said, that though he should vote for the proposition of the hon. and learned Gentleman, yet he confessed that for a long time his own opinion had been in favour of abolishing imprisonment for debt; and, as a question of general policy, he believed that the majority of the people were prepared to support total abolition. He believed it was a mistake for people to imagine that with the removal of the power of commitment for debt the practice of giving credit would also cease. The same thing was said when imprisonment for mesne process was abolished, and he believed the objection now urged to be as much without foundation as it was then. As the Government, however, were very much better able to judge of the opinion of the country than he was, and as they did not feel themselves justified in entirely abolishing imprisonment for debt, he did not feel warranted in dividing the House on this point. The Bill proposed to punish a man because his friends could not, or would not, pay his debts, and to imprison him for an indefinite time. Perhaps, until it was possible to get the public mind to advance as far as to say that in no case should a man suffer penal imprisonment because he failed to pay a certain sum of money under a private contract with which the public had nothing to do, the proposition of the Attorney General was the best that could be adopted, and therefore he should not divide against it. He trusted, however, that at some not long distant period public opinion would be in favour of the abolition of imprisonment for debt altogether.

Mr. GREENE said, that every one would be glad to see imprisonment for debt put an end to; but he thought that the Attorney General's Amendment was a proper one under the circumstances.

Amendment *agreed to.*

The ATTORNEY GENERAL moved, at the end of clause to add—

> "Provided, That no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year."

Amendment *agreed to.*

Mr. JAMES moved, in page 2, after Clause 4, insert (Actions for debts of £50 in Superior Courts)—

> "Provided, That in any action brought in any of the Superior Courts at Westminster, where the sum recovered amounts to £50 or upwards in respect of any debt or liability incurred for or on account of any loan or advance of money, or for the price of goods sold and delivered, it shall be lawful for the plaintiff in such action to obtain and issue a summons from the Court in which the said

action shall be brought, calling upon the defendant to appear before a Judge of the said Superior Court, and to show cause why a writ of capias ad satisfaciendum should not issue against him; and if on the hearing of such summons it shall appear to such Judge, by examination on oath of the defendant or other oral or documentary evidence, that the defendant has the means of discharging that said debt or liability, and neglects so to do, or that the defendant has wilfully contracted the said debt or liability without having had at the time of so contracting it a reasonable expectation of being able to discharge the same, or that the defendant is wilfully evading service of the said summons, it shall be lawful for the said Judge to direct a writ or writs of capias ad satisfaciendum to issue against the said defendant; Provided always, That if the said defendant be dissatisfied with the decision of the said Judge, he may appeal against the same to the Court in which the said action was brought."

He merely submitted the clause to the Committee to be dealt with as they should think fit.

THE ATTORNEY GENERAL said, that the proposed clause would give a penal jurisdiction to the Superior Courts, and would be reviving in an important degree the principle of imprisonment for debt. Under these circumstances he trusted that the hon. and learned Member for Taunton would not press his Amendment.

MR. NORWOOD, though he agreed with the principle of the Amendment, hoped that, as the Attorney General had yielded several important points during the progress of the Bill, the hon. and learned Member would not press his Amendment.

MR. RUSSELL GURNEY said, that in the face of the concession that had been already made, it would be scarcely right to press the Amendment to a division, though, for his own part, he much sympathized with the view embodied in it.

MR. JAMES said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 5 (Saving of power of committal for small debts).

THE ATTORNEY GENERAL *moved,* in line 12, to leave out from "mentioned" to "provided," in line 25, and insert—

"Any Court may commit to prison for a term not exceeding six weeks any person who makes default in payment of any sum due from him in pursuance of any order or judgment of that or any other competent Court."

MR. HENLEY, as a visiting justice, hoped that, at a future stage, the Attorney General would make it clear upon what conditions the persons to be committed under that new power would be in their prisons. The County Court debtors, when in prison, were placed under very stringent regulations, framed by the Secretary of State.

THE ATTORNEY GENERAL promised that the matter should be considered.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. M'MAHON moved an Amendment by which a Judge of a County Court was prohibited from sending any debtor to prison in respect of any sum not exceeding 20*s.* exclusive of costs.

But it being now Seven of the clock—

House *resumed.*

Committee report Progress; to sit again upon *Friday*, at Two of the clock.

## POOR LAW.—RESOLUTION.

MR. RATHBONE, in rising to move the following Resolution:—

"That, in the opinion of this House, a closer and more harmonious correspondence between the Central and Local Poor Law authorities, and, in consequence, a more uniform and efficient system of parochial administration would be established, and the incidence of Local Taxation would be safely rectified if, as in the case of Education, grants, conditional on efficiency, were made from National sources, through the medium of the Poor Law Board."

said, that the subjects of local taxation and the administration of the Poor Law had been brought before the House on different occasions by county Members. These subjects had been treated mainly as if they affected agricultural interests only; but he maintained that the rural districts and the large towns had a common interest in both matters. The evils arising in the large towns from the present system of local taxation were so striking that he could not rest satisfied without bringing them under the notice of the House. He was aware that the proposal embodied in his Resolution had been considered in some quarters to be an attempt on behalf of the rate-payers of large towns to escape from the burdens which fairly belonged to them. He could show that that was not the case. He maintained, with the hon. Baronet the Member for South Devon

(Sir Massey Lopes), that a large portion of the wealth of this country escaped altogether from contributing to local taxation; and that in consequence of that exemption those local rates fell most unequally on different classes of the population of the country. He further maintained that the change in the Law of Assessment joined to the increased cheapness and facility of locomotion, and the want of a uniform management in the administration of the Poor Law, combined to throw upon the large towns great masses of pauperism which had been created elsewhere. The Law of Settlement, combined with those causes, had, however, greatly modified the character of pauperism. He would first ask the House to consider the effect of the exemption of large masses of property from contributing to local taxation. The hon. Baronet the Member for South Devon, speaking of the landed proprietary, said it was a great hardship that the local taxation should fall exclusively on real property, and that such a system seriously affected the agricultural interests. He (Mr. Rathbone) thought he would be able to show that it pressed with far more cruel injustice upon the small householders of large towns. The principal wealth of our large towns consisted of commercial, manufacturing, and trading interests; but, except incidentally, none of these interests contributed to this taxation. Those classes did not contribute their fair share towards the rates levied for the support of the sickness, accidents, or poverty of the populations of large towns. Nay, more, as their wealth increased, and large towns were extended, those classes escaped more and more from the contributions. They did not pay on their capital, because that capital, consisting mainly of personalty, was not subject to local taxation. Nor did they contribute in the towns on their domestic establishments, because now the merchant, the banker, or the broker, instead of living on the spot where his business was conducted, resided out of town, beyond the area of taxation. The fact that men of the class to which he referred paid so insignificant an amount towards the relief of the poor had, he was convinced, a good deal to do with their withdrawal from a discharge of the duties of Poor Law Guardian. From inquiries which he had made into this subject he found that in the large towns the richer a man was the smaller was the proportion he contributed, and the poorer a man was the larger was the proportion which he paid. A merchant doing a large business in a moderately large office and warehouse only paid rates for those premises, whatever might be the extent of his transactions. Merchants who had made the calculation informed him that the proportion of their income derived from trade on which they paid poor-rate amounted to only from 1½ to 2 per cent, while the proportion of their income on which labourers in the employment of those merchants paid poor-rate was 3¾ per cent. From this it appeared that the proportion in which persons paid in large towns was in almost inverse ratio to their wealth. Upon the class of small tradesmen the poor rate operated most oppressively, and with especial severity upon those who were in the humblest circumstances. It might be said that it was foolish for the mercantile community to be active in promoting a change of system; but the mercantile community were not foolish or short-sighted enough to believe that a system could be good which transferred a considerable portion of the burden of taxation from their shoulders to those of the very poor. As to the argument that the weight really fell upon the owner and not the occupier of property, it was sufficient to point out that the pressure of increased rating always fell first upon the occupier, and it was not till the charge became permanent that, gradually and only partially, the charge was transferred to the owner. Increasing the area of taxation would only meet part of the evil and injustice of this system, and the parishes were already too large for careful or economical management. The very wealthy would still manage to escape the burden. Take the parish of Liverpool: its workhouse, hospitals, and schools, under the management of the vestry, contained at times over 6,000 inhabitants, a number larger than the population of some towns returning Members to that House. Then, again, masses of the population accumulated in towns which were not properly responsible for their poverty. It was often alleged that towns, as they obtained the benefit of the labour of the poor, ought properly to be chargeable with their support; but although a connection was capable of being established between particular trades and particular localities, there was a large amount of pauperism unconnected with special localities which might fairly be considered national in its character, and chargeable, therefore, on the general wealth of the country. The possibility of employment in times of distress attracted numbers to large towns, and that excess of labour, so far from contributing to the wealth of those towns, was sure, sooner or later, to become a burden on the rates. This mass of surplus population had been called our reserve of labour, but these reserves to be of service should be available when wanted. They did not, however, come to the large towns in times of prosperity, but only in periods of distress, when they became not resources of labour, but reserves of pauperism, and from them the large towns derived no benefit. Again, it was impossible in large cities to exercise the same control over able-bodied pauperism which was possible in small towns; and the consequent evils were aggravated by the fact that, in the different parishes, there was no uniform system of treatment for the sick, lunatic, and infirm. It often happened that a poor sickly family, hanging on in the helpless way characteristic of the class to which they belonged, heard at length of some adjoining parish where either private charity or parochial humanity made some better provision for the sick; to this they accordingly shifted and settled down, and, after a twelvemonth's residence, became permanently chargeable, not upon the parish that had neglected, but upon the parish that had done its duty. A man had come from the Isle of Man on four or five different occasions to the Liverpool workhouse to be cured. The Isle of Man, therefore, had the benefit of his health, and the parish of Liverpool the cost of his sickness. He did not advocate a return to the Law of Settlement, because its operation was most oppressive on labour, and most unjust to the landowners and farmers, and also to the parish—that a man should be chargeable to the parish where he was born, and not to the parish where he had worked all his life. Whilst, however, they remedied one injustice, they ought not to inflict another by it on a class still less able to bear it than poor householders of our large towns. He had shown that the present incidence of taxation was doubly unfair. It placed a tax on large towns which did not belong to them, and it distributed it unfairly over the different classes of the population. The waste and demoralization of the present system clearly demanded the adoption of some means for its correction. Want of uniformity of management of the Poor Law system with regard to the sick was antagonistic to good management, and since he had put his Motion on the Paper he had received various communications upon the subject. One guardian wrote to him to complain of the incredible carelessness which prevailed in the collection of rates, adding that in his parish not less than 55 per cent of the rates remained uncollected when the collector closed the rate, which was a great injustice on those who had honestly paid their rates. Another pointed out numerous and serious defalcations on the part of the officers employed by the guardians to collect the rates, which it was urged would be impossible under a proper system of audit. Another showed the wide discrepancies in the amount given in adjacent parishes near him for the relief of the poor, the guardians of one parish expending 1*s.* 7¼*d.* per head weekly in out-door relief, while the guardians of another spent 3*s.* 10¾*d.*, showing that either one parish was making paupers by under-relief, or that the other was doing the same thing by over-relief. He believed both systems were going on in almost every parish in the kingdom, and the sooner it was remedied the better. The rates were said to be kept down in some parishes, not by under-relieving the poor, but by paying the officers so low that men of education and capacity could not be found to do the work. Men who had failed in other departments of life, for the want of those qualities which were most wanted in governors of workhouses and relieving officers, were selected by the guardians for the discharge of those duties. On the master not only the welfare of the inmates but the success of the Poor Law system depended; and incompetent relieving officers relieved those who ought not to be relieved, and in that way a vast number of idle and profligate paupers were relieved who ought not to be relieved at all. The hon. Member said that experience, discrimination, and business habits were seldom to be found in parish officers, because there was no sufficient system of training and no sufficient inducement to competent persons. The deficiency was not supplied by the guardians, who were apt to become wearied and tired of their work just when they were beginning to learn it. The result was that a pauper, if he looked round, could always find some parish in which he could live in idleness. Then, owing to the want of due supervision and guidance, parish after parish made the same costly experiments and blunders, unaware that the same experiments and blunders had been made elsewhere. Nay, the same parish often repeated its own blunders. Half the failures of the Poor Law system would be avoided if the Poor Law Board were in a position to collect, preserve, and re-distribute all the experience that was daily gained and lost in the parishes of this kingdom. One of the worst features of our social system was that the increase of pauperism was contemporaneous with the vast increase of wealth, as shown by the Returns of Income Tax. The increase of wealth during the nine years previous to 1862 was in Liverpool 42 per cent. The Census for the borough of Liverpool showed that, in the previous ten years, the increase of population was a little under 20 per cent. With regard to pauperism, he would take two periods which, following upon years of commercial panic, were periods of distress, and he found that the average number of paupers during the first half of the year 1858 was 30,038, and in 1868, 44,136, being an increase in ten years of 14,098 cases. So that within that interval there had been an increase of 42 per cent in wealth, an increase of only 20 per cent in population, and an increase of more than 43 per cent in pauperism. In the metropolis, during the same period, the population had increased 19 per cent, while pauperism had increased 110 per cent. Evils existed which the present system of Poor Law administration had been found altogether inadequate to remove. In other words, the Poor Law system was a failure in our large towns. It might be said the Poor Law Board ought to remedy this. It ought to collect and disseminate experience, and to counsel, guide, and, if necessary, to control Boards of Guardians. And why had it not done so? It was instituted in 1832, and had to rule with a very high hand. It had to exert a tremendous despotism over the Boards of Guardians, and the consequence was a perfect storm of public indignation. The power nominally placed in its hands broke down when it was attempted to be used in opposition to Boards of Guardians. He referred in proof of this to the evidence given by officers of the Poor Law Board themselves before the Committee which sat on the subject from 1861 to 1864. The present President of the Poor Law Board had stated that the same opposition still existed, with the same results. The Board failed because they could only coerce, because they could only say to Boards of Guardians—"If you do not do this we will, and you shall pay for it." Surely it would be better that the Board should have power to induce the guardians to do what was right. Improvements in the administration of the Poor Law would, in his opinion, check and diminish pauperism to a great extent; but he feared they would after all have to come to a change in the principle of the law. He did not think that a pauper, however indolent or vicious, had an absolute right to relief at the expense of the industry of the country. That rule did not exist in Scotland, and people did not starve there. Speaking from the experience derived from the courts and streets of large towns and the workhouse, he would infinitely prefer—speaking for those he cared most for in the world—that they should be exposed to any amount of physical suffering or to death itself rather than to the degradation and temptation to which they were exposed under the present system in our large towns. The President was the only reality of the Poor Law Board, and he changed not only with every Administration, but with almost every change of every Administration. He had not the slightest doubt that either the right hon. Member for Wolverhampton (Mr. Villiers), the right hon. Member for Oxford University (Mr. G. Hardy), or the present head of the Board (Mr. Goschen) would make the present reforms if they remained long enough to originate and carry them out. It was found necessary at first to have Sir George Lewis, Sir George Nichols, and Mr. Lefevre as permanent members of the Board. They all felt grateful to the right hon. Gentleman the First Lord of the Treasury and his Colleagues for their vigilant control over the public expenditure; but there was a danger of confining their attention too exclusively to the Imperial taxation and expenditure of the country. There was an equal necessity for vigilant control of local taxation and expenditure. If, as in this matter, education grants were made from national resources, conditional on efficient local Poor Law administration, the proper remedy would, in his opinion, be applied. That would lay under contribution to local rates wealth which was now only subject to Imperial taxation, and would promote harmonious action between the central Board and the local authorities. He would make the Poor Law Board the medium of these conditional grants, and another effect would be to make local management more uniform, because the inspectors' reports would have to be far more carefully made in order to ascertain efficiency, on which the grants depended; and those reports would have to be more carefully studied, so that the conditions were more likely to be learnt on which grants depended. At the same time those grants should not be made in a way that would relieve the local ratepayers from any waste or extravagance on the part of Boards of Guardians. The Boards of Guardians of Birmingham, Liverpool, and Leeds had already proposed to relieve the rate-payers of the exclusive cost of sickness, lunacy, and imbecility. The way it would work would be this — the Poor Law Board would first ascertain what would be a fair amount of sickness which ought to be provided for in each district of the county, and, having ascertained that, they would be authorized to grant to such district a sum in proportion to the amount of such sickness. The grant being fixed, any additional expense, whether caused by a greater number of sick being thrown on the rates through epidemics or by lax management on the part of the guardians, would still be borne by the local rates. An inspection, if it were thorough, would secure that the sick did not suffer from any dishonest parsimony. The principle was capable of being applied to any part of the Poor Law expenditure. He would propose that a grant should always be limited to a proportion of the cost of the expense, leaving the balance, whether reduced by economy or swelled by extravagance, to be borne by the body electing the local managers. The Metropolitan Poor Act of the right hon. Member for the University of Oxford (Mr. G. Hardy) carried out this principle in the metropolis by bringing to the aid of particular parishes grants from wider areas. He believed he was not too sanguine in hoping that the remedies he suggested would make taxation more just and administration more efficient, and that it would prevent us being startled by disgusting disclosures, leading to hasty and, therefore, wasteful expenditure. This was not merely or principally a money question. A nation of citizens individually virtuous and industrious could stand very heavy and even wasteful expenditure; but if it tended, as he believed the wasteful expenditure of our system did, to destroy the industry, the virtue, and the independence of the population of that country, it undermined the very foundations of national greatness. He begged to propose his Motion.

MR. DIXON, in seconding the Motion, said the principle involved had received the sanction of the Poor Law authorities in Birmingham. And that fact was not surprising, because the two adjoining parishes of Birmingham and Aston—the circumstances of which were nearly identical—were very differently rated to the poor, and the system of management appeared to be distinct. In Birmingham, however, where there was a greater amount of wealth, and where the proportion of the working class was smaller, the poor rate was nearly four times as great as in the other part of the borough, without any other reason being shown for it than the different system of management. Along with lavish expenditure in the one, there was a greater care for paupers; in the other, along with economy, there was great disregard of the real wants and necessities of the poor living at a distance from the centre of the union. The question was how these evils could be overcome; and the principle involved in the Motion was one which at any rate was well worthy of the consideration of the House. It was that we should look to the central authority for a greater amount of control, believing that the control of the Government would be more wise and efficient than that provided by localities, and that along with it there must necessarily come the supplementing of the rates out of the national taxation of the country. If that were done a great step would be taken towards equalizing the burden of the rates and reducing the amount of that burden. He had no doubt that a properly constituted central Board would very much diminish the existing defective management, whether it took the form of pampering the poor or of starving them, and would, in the same proportion, diminish the enormous evil of pauperism. One objection raised to the plan was that it would relieve local authorities from a responsibility which was supposed to rest exclusively upon them, and that it would induce them to spend more largely because they would be spending other people's money. If the plan were judiciously carried out he did not believe that these results would by any means follow. He had no fear of the results of giving more power to the central authority; for, although the system of centralization had always been looked upon in this country with very great fear and apprehension, they might be dismissed now that we had a reformed House of Commons. They need not now fear any undue exercise of central power; and the wisdom and experience which might be collected in a central Board might be of enormous use if it were diffused all over the country, fertilizing every distant and ignorant union, where everything in the shape of innovation was shunned. He was glad that the hon. Member for Liverpool (Mr. Rathbone) had brought forward his Motion, the principle of which he hoped the Government would not refuse to take into consideration, and which he trusted would before long meet with a very considerable amount of favour.

Motion made, and Question proposed,

"That, in the opinion of this House, a closer and more harmonious correspondence between the Central and Local Poor Law authorities, and, in consequence, a more uniform and efficient system of parochial administration would be established, and the incidence of Local Taxation would be safely rectified if, as in the case of Education, grants, conditional on efficiency, were made from National sources, through the medium of the Poor Law Board."—(*Mr. Rathbone.*)

MR. LIDDELL said, he believed that questions of that kind sometimes derived great weight and importance from the quarter whence they proceeded; and he, therefore, hailed with satisfaction and pleasure the fact that the representative of one of the largest towns in the country had brought that question forward with so much ability. Although he thought it would be premature for the House to pass a positive opinion upon the very large scheme propounded by the hon. Member for Liverpool (Mr. Rathbone) it was very important that the attention of the country should be fixed upon it, and he trusted, also, that it would receive the earnest consideration of the Government. They all knew that considerable jealousy of the interference of the central authority existed in many parts of the country; but if the aid of the public Exchequer was to be invoked to lighten the pressure of local burdens, the various local bodies must be prepared to submit to a larger degree of central control than they had hitherto been subjected to, in order to secure that the money obtained from the State should be properly expended. The proposition brought before them that night was, he thought, the best solution yet offered of that most difficult problem—namely, how they could reach a large amount of property which had hitherto been untaxed. The hardship of subjecting one description of property only to local burdens had long been complained of, and the difficulty which had always met them was, how to reach property that was not visible. The hon. Member for Liverpool had suggested a means by which they could accomplish that, and, having once done so, it was to be hoped that the hon. Gentleman would not lose sight of that great principle. The proceedings of the House lately appeared to him to have paved the way towards the attainment of that great object, because they had heard propounded a principle which had rather startled himself, but which had been accepted with great unanimity—at any rate on the other side of the House. He had always fancied that the liability to local taxation attached to occupation, and hitherto that principle had been the accepted principle of the law. But they had lately heard that principle contested, and it had been asserted that the liability ought to attach to ownership, and the moment they found the man the first query that arose was as to his liability to pay. Did anybody think that when once the question of the ability of the owner to pay was raised, the question would stop there, and his ability to pay would rest with the house or a small portion of land? He did not believe it. It would then have reference to what his whole ability was, and his whole property—not a mere portion of it—would be deemed liable to the payment required of him. In that sense he thought he saw an inclination on the part of the House to extend the liability beyond its present limits. He would not enter into the question of the increase of pauperism, or the mal-administration of the Poor Law; but he thought the present system was really an encouragement to pauperism, and the country was awakened to that great and melancholy truth. The hon. Gentleman had perhaps rather weakened his case by mentioning the fact that a guardian had written to him telling him that only 50 per cent of the rates due had been collected. But the hon. Member had stated one maxim which it was to be hoped would be taken to heart by the country at large—namely, that the wealthy merchant in our great towns pays in an inverse ratio to his wealth towards the support and relief of the poor.

THE CHANCELLOR OF THE EXCHEQUER: My hon. Friend the Member for Liverpool (Mr. Rathbone) has travelled with great ability over a space in which I hope I shall be excused from following him, because I shall endeavour to confine myself to the proposition immediately before the House. I trust also that the Mover and Seconder of the Resolution will content themselves with having so ably stated their views, and not think it necessary to press the Motion to a division. I am glad to think this is likely to be the case, because, under these circumstances, it will be unnecessary to adopt a controversial attitude in considering some of the difficulties of the case. The hon. Member has drawn what I am afraid is too true and too painful a picture of the progress of pauperism in this country. He tells us that it is on the increase, that the poor rates are on the increase, that they fall very heavily on the poor who are just above the grade of pauperism, and that this has a most degrading effect on the whole community. This is a sad picture; but though I tried to find out from the hon. Gentleman's speech what is his remedy, there I confess I am somewhat at fault. I do not understand whether he wants the administration of the Poor Law to be more lenient or more stringent — whether, in his opinion, pauperism ought to be ruled by a more lax or by a more rigid system. Certainly he said something about the system in Scotland, which made me think that he is of opinion that the Scotch system is a more satisfactory one than the English; but I confess that, having listened with great attention to my hon. Friend's speech, I am unable to come to any conclusion as to what would be his test of efficiency, and, until we have such a test, I do not see how we are to arrive at the conclusion which he invites us to adopt. Without we know what his test is, we can hardly deal with his proposal. But, passing over that, we come to the remedy he proposes. I suppose we all agree that those evils exist—that pauperism is increasing, and that the poorest class feels the pressure of the poor rate very severely. But some think that more assistance should be given to the poor, while others hold that independence is the best riches of the working class, and that we should do them more harm than good by further weakening that independence. Looking at the matter as it is now presented to us, I ask, what result would follow from the proposal of my hon. Friend? He wants us to adopt in respect of the poor the system of the Privy Council in respect of education. But if you send down an inspector to give his opinion as to the efficiency of the school, you have a test. In what does the efficiency of a national school consist? In reading, writing, and ciphering. Put a book in a child's hand and you may see whether he can read, put a bit of paper before him and you can see whether he can write; put a slate before him and you may see whether he can cipher. But what does the hon. Gentleman mean by efficiency in the administration of the Poor Law? I cannot grapple with that. Would my hon. Friend make the smallness of the expenditure the test of efficiency? That would make the Government grant depend on greediness towards the poor. Would he make the largeness of the expenditure the test? That would make the Government grant depend on the extravagance of the administration of the Poor Law.

Mr. RATHBONE: I said that the grant should be fixed, and not proportionate to the expenditure.

The CHANCELLOR of the EXCHEQUER: I thought the amount of the grant was to depend on the efficiency; but whether there is more or less efficiency, there is not to be more or less grant. Is the administration of a workhouse to be considered efficient if it contains a great number of paupers, or is the management to be most efficient where there are the fewest paupers? If the hon. Gentleman would not apply either of those tests, is the system to be considered most efficient where most is done to protect the paupers and to make them comfortable and happy, or where the paupers are under the most rigid rules of government? What is to be our guide in this matter, or how are we to know on what principle the money shall be given? These questions will have to be considered, and some definite criterion of efficiency laid down, before we can advance a step. At one time uncertainty of somewhat the same kind as that which would arise here was experienced in the case of the education grants. Before the change was effected which established the system of deciding by results, the inspector visiting a national school, judged by was called the "moral atmosphere" of the school. That was the test in the case of schools; but we have no test here, and before we advance we ought to be told what the test is to be. Passing from that point, there are other considerations which render it impossible for us to decide on adopting the hon. Gentleman's proposal. Is this plan to be limited to England, or is to extend to the three Kingdoms? because, if it is to be made the rule in the three Kingdoms, we must bear in mind that there is a different system of Poor Law in Scotland from that which exists in this country. If there is not to be an entire change, what is to be the general criterion of efficiency? Then, as to expenditure; the Privy Council Grant amounts to one-third of the whole expenditure for education. Now, if the same ratio is to be adopted in the case of the grants proposed by the hon. Gentleman, we shall have to make an Imperial contribution of £3,000,000, the total expenditure for the administration of the Poor Law being £9,000,000. Again, why should the principle, if it be a good one, be limited to Poor Law expenditure? Why should it stop there? Why should it not extend to the outlay for highways. I think an inspector might have great difficulty in deciding as to deficiency in the case of Poor Law administration; but the thing would be easy enough in the case of highways. If a road overturned your gig and threw down your horse, you would know it was a bad one. If my hon. Friend succeeded, his principle would have a very wide extension, and the expenditure would be proportionately great. Now, first consider this question—where is all this money to come from? As I have stated £3,000,000 would be required for the contribution in aid of poor rate; but, if all the local taxes were brought within my hon. Friend's principle, the third of £20,000,000, or something like £7,000,000, would be required. It may be said that this money should relieve local taxation, but where are we to get it? The hon. Gentleman has said, and with great truth, that the poorer classes already contribute too much to the poor rate, but will you relieve the poorer classes of the people by increasing the burden of Imperial taxation from £48,000,000 to £55,000,000? Where would that money be got? Would it be got by taxation on the necessaries of life? And is that the assistance to be given to the poor? I can imagine nothing more cruel. I now turn to the hon. Member for Northumberland (Mr. Liddell), and ask him whether the adoption of such schemes as this, supported on grounds such as those which he has put forward in support of them, would not be likely to eventuate in additional taxation on realized property? If increased burdens be placed on the poor, does not the hon. Gentleman think that the ingenuity of some persons will be directed to placing what he and his friends would consider to be intolerable burdens on realized property? But there is another difficulty to which I wish to call the attention of the hon. Member for Liverpool. It is the habit in this country to place the administration of the Poor Law in the hands of persons who have a local interest in the application of the funds. They are responsible for the application, and that is the system which has been at work in this country for nearly 300 years. Now, I can understand persons who complain of the many grievous evils that are connected with the local administration of the Poor Law, and who, in their impatience of those evils, would prefer a system of Imperial taxation—I can understand them saying—we will have efficiency, at any rate, even if we have to give up local administration and adopt Imperial administration. Either of these two principles I can understand. But what I cannot understand is the mixing up of the two together with just enough of local government to thwart the influence of Imperial efficiency, and with just enough of central assistance to render the local administrators still more lazy and careless. I can understand the system of official responsibility, and I can understand the system of local responsibility. But a system of responsibility which is neither the nor the other, I cannot understand. It would add to the burdens of the country by what it took out of the central fund, while, in all probability, it would leave the burden of the local rates as grievously offensive as ever. These are the difficulties that occur to my mind. I do not say they cannot be met. I have spoken without any possibility of preparation, and I am afraid without very much knowledge of the subject; but I venture to think that my hon. Friend has not furnished us with a criterion which is necessary before we could think of adopting his proposal; and, therefore, I hope he will be satisfied with having stated his views in an able speech.

Sir GEORGE JENKINSON said, the subject was one of great interest to the county which he had the honour to represent, which must be his excuse for troubling the House on this occasion. He thought the right hon. Gentleman the Chancellor of the Exchequer had endeavoured to lead the House away from the true meaning and purport of the speech of the hon. Gentleman opposite (Mr. Rathbone). For himself, he had always regarded this as more a town than a rural question, and as one affecting the small rate-payers rather than the rich; and it was in that point of view he wished to argue the question to-night. But the right hon. Gentleman said that this was a plan to mix up central with local administration, and that the thing was impossible. But they all knew that that was the system now in existence. The Government sent down inspectors who exercised a most scrupulous superintendence over the proceedings of the local guardians. He was, therefore, astonished how the right hon. Gentleman, possessed as he was of so much wide and varied information, could stand up and say in the face of the House, that there could be no mixture of central superintendence with local administration. He wished to lead the House back to consider the real question—the question how this system affected the towns rather than the country. The right hon. Gentleman asked if a grant was to be made in aid of the local rates, from what source that grant was to come? He would meet that question by saying that as the wants of the country had been caused by Imperial legislation, the local rates ought to receive aid from the Imperial funds. ["Divide!"] He must remind the House that this was a question requiring much deliberation, and that it was not to be settled by howling him down. A Report of the Lords' Committee on Parochial Assessments, said that the relief of the poor ought to come out of every description of national property. It was also the opinion of the Judges that all things which were charged for the Imperial revenue, ought to be taxed for the relief of the poor. It was therefore not right to say that one kind of property only ought to be taxed for relief of the poor. The cases of hardship arising from the present system were greater in towns than in the rural districts. From inquiries he had made he ascertained that in one manufacturing town (Trowbridge, in North Wilts) the rates varied from 4*s.* 8*d.* in a good year to 10*s.* in a bad one, and in another populous town (Westbury) things were still worse. Cases such as that of an old woman aged seventy-four, whose husband had recently died, being summoned for 8*s.* 3*d.* arrears, was really a reproach to our legislation. At Bradford, in Yorkshire, again, a gentleman had built twelve almshouses for the relief of as many aged women, and endowed them besides with a annuity for each. These almshouses cost £10,000 to build, and although some of the occupants had previously been relieved at a cost to the parish of 6*s.* a week, the authorities actually rated those buildings. If he was asked what was the remedy for this state of things, his answer would be the property of the nation—the income tax. £100,000,000 only of property were rated for the poor—whilst £300,000,000 of property were rated for the income tax. A rich man who died lately, owned property in the funds that yielded £28,000 a year, and that fund contributed nothing to the poor rate or to the various local burdens, whilst the owner of it enjoyed all the protection of the police, the county prison, the Militia, and the various institutions which are maintained by local rates, to which he contributed absolutely nil in respect of that property. Surely no one could justify that and call it justice. He believed that much good would be done to the working classes, as well as to the revenue of the country, if those classes were relieved from the rates which they now paid, and were charged a moderate amount of income tax proportioned to the wages which they earned.

Mr. RATHBONE said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

## REPORTS OF JUDGES ON ELECTION INQUIRIES.

### BRIDGWATER ELECTION.

Queen's Answer to Address *reported,* as follows:—

*I have received the joint Address of the two Houses of Parliament in reference to the Report made by the Judge appointed to try a Petition complaining of an undue Election and Return for the Borough of Bridgwater; and I have given directions accordingly for the appointment of the Gentlemen named in the Address to be Commissioners for the purpose of making the Inquiry prayed for.*

The Queen's Answers in respect of Beverley Election, Cashel Election, Sligo Borough Election, Norwich Election, *reported* in the same terms.

## PUBLIC-HOUSES, &c.—RESOLUTION.

Mr. RYLANDS, in rising to move a Resolution, said, that the question was not entirely disconnected with the subject which had been introduced by the hon. Member for Liverpool (Mr. Rathbone), for the large expenditure to which he has directed attention was to a large extent rendered necessary by the drinking habits of the population. It was unnecessary for him to show that drunkenness produced a very large amount of the pauperism, crime, and mortality of this country, for he took it for granted that hon. Members on both sides of the House were perfectly convinced of the evils arising from intoxication, and were anxious that measures should be adopted with the view of diminishing those evils. He did not for a moment wish to insinuate that hon. Members who might not be prepared to adopt the views he was about to submit were not desirous of doing what they could to diminish drunkenness, though they might conscientiously differ from the views which he entertained. He asked the House carefully to consider the subject of the connection of drunkenness with crime. Now, the right hon. Member for Oxfordshire (Mr. Henley) stated the other night that, in his opinion, crime was decreasing. He (Mr. Rylands) was sorry to say that, as far as he was able to judge, there was no reason to think that crime was diminishing. He was afraid that careful examination of the Returns would prove that crime and drunkenness were increasing. It must be borne in mind that at the present time there were influences at work in favour of progress, moral, religious, and intellectual, very much greater in extent, and which, therefore, ought to be very much greater in effect, than at any previous period; they had the old agencies at work, but in a very much more effective fashion than formerly; they had the pulpit—and he believed that never were the pulpits of all denominations filled by a larger number of earnest men than they are at present; they had also a larger amount of educational agencies; they had far more schools that at any former period, and all the reports of educational societies showed that the education of the people had gone on increasing. He might say further, that they had an instrumentality, the effect of which could scarcely be over estimated—a cheap Press. Newspapers were disseminated by tens of thousands, at a low price. Now, if in the face of all these instrumentalities—schools, both Sunday and day schools, the pulpit, and cheap literature—they did not keep far a-head of crime and drunkenness, there must be something in our system which was wrong and deserving the attention of the House. He had no doubt that the great influence which thwarts all these agencies for good was the influence of drink. He knew it would be said that they could not make men righteous by Act of Parliament, and he did not think they could; but he would tell them what they could do, they could at all events, by Act of Parliament, prevent men having facilities for evil, and could render the path of virtue more easy. Indeed, the whole of our legislation aimed at mitigating temptations to evil and giving facilities for virtue. The right hon. Gentleman at the head of the Government laid down the axiom, in a speech which he delivered some time ago, that the Government should so legislate as to make it "easy to do right and difficult to do wrong," and that was the only reason why he ventured to bring this question before the House. He wished to induce the House to act so as to make it difficult to do wrong, and easy to do right. It might be said that the Legislature had no right to interfere with the liberty of the subject in this matter; but that it had the right to interfere to restrict these evils he might refer to the various Acts that had been passed during the last 400 years. It would be impossible to go through these various enactments, which afforded ample precedents for legislation at the present day; but he wished particularly to instance the 7 *Edward* VI., c. 5, which was entitled "an Acte to avoyde the great price and excesse of wynes." It provided that certain towns should only have a certain number of public-houses. London was allowed forty, York eight, Bristol six, and others four and three. In carrying out this Act Sir Nicholas Bacon, when Lord Chancellor, succeeded in getting 200 ale-houses closed in London, Southwark, and Lambeth, and the example was followed in other parts of Middlesex. Later on, the Lord Keeper Egerton, in his charge to the learned Judges when going upon circuit, in 1602, instructed them to ascertain for the Queen's information—

> "How many ale-houses the justices of the peace had pulled down, so that the good justices might be rewarded and the evil removed."

In those day, therefore, the fact was recognized that drunkenness would always be in proportion to the facilities which were afforded for drinking. He wished now to bring before the House the fact that in their recent legislation there were instances of the way in which the Legislature had dealt with the subject of Sunday closing. Up to 1848, the public-houses, with the exception of Liverpool and London, and two or three other places, which were under local Acts, were open from Saturday night during the whole of Sunday morning up to Divine service, when they were closed for a couple of hours, and were open during the remaining portion of the day. The effect of it was found to be very objectionable, and in London it was found that the closing of public-houses during the whole morning was very beneficial. In consequence a general Act was passed, in 1848, entitled "an Act for regulating the Sale of Beer and other Liquors on the Lord's Day," and in the Preamble it was stated that—

> "The provisions in force within the Metropolitan Police District, and in some other places in England, against the sale of Fermented and Distilled Liquors on the morning of the Lord's Day have been found to be attended with great benefits."

It was accordingly applied to the country at large. In 1855 the House of Commons appointed a Committee, which was presided over by the right hon. Gentleman the Member for Wolverhampton (Mr. Villiers). The Report of that Committee bore striking evidence to the beneficial effect of the Act of 1854, for, with one exception, the reports of the police superintendents spoke of a very marked improvement as the result of the closing of public-houses during the morning of Sunday and up to one o'clock. In consequence of the benefit resulting from partial Sunday closing, and the evidence collected by the Committee, they recommended that the hours of closing should be extended so as to close during the whole Sunday with the exception of four hours. The right hon. Gentleman the Member for North Lancashire (Colonel Wilson-Patten) accordingly introduced a Bill to carry out that restriction. The Preamble of the Act recited that—

> "Whereas the provisions in force against the sale of Fermented and Distilled Liquors on the morning of the Lord's Day have been found to be attended with great benefits, and it is important to extend such provisions."

That Act was in operation for twelve months, and nothing could be more overwhelming than the testimony of the persons competent to form a practical opinion in favour of the beneficial working of the Act, and it led inevitably to the conclusion that an Act wholly closing these houses on the Lord's Day would be attended with the most salutary effects on the moral condition of the community. The Society for Promoting the Due Observance of the Lord's Day forwarded circulars to the mayors and chief officers of police of the principal towns in England and Wales, asking them to give their opinon as to the effect of the Act. Eighty-seven replies were received; of these eighty-two spoke most favourably of its effects. . Of these fifty-one said that the Act might be improved, and no fewer than forty suggested the propriety of wholly closing these houses. As regards the metropolis, the newspapers spoke with astonishment of the altered appearance of the police courts the moment the Act came into force. Of the Southwark Police Court, a newspaper, speaking of the morning of Monday, the 14th of August, said—

> "This court had a very unusual appearance—such as had not been known before on a Monday within the memory of the oldest officer, owing chiefly to the new public-house law, which came into effect on Sunday. The usual average number of drunken charges taken into custody on Sunday amounted heretofore to between thirty to forty persons, and generally occupied the attention of the magistrate the chief part of Monday morning. Yesterday, however, there was only one drunken person charged, and only two trifling assaults."

The same observations were made in reference to Bow Street and Marlborough Street. At the latter, instead of from sixty to 100 cases, there were only twenty-five. And it was to be observed that of these cases nearly all were brought to the police stations on Saturday night—there was scarcely one Sunday charge. Mr. Gilbert a'Beckett, the police magistrate, bore testimony to the beneficial effect of the Act in a remarkable letter, in which he stated that on nineteen Mondays there had been only thirty-seven Sunday cases, or only two for each Sunday. The Rev. Mr. Clay, the chaplain to Preston Gaol, bore equally striking testimony, for he stated that comparing four months before the passing of the Act with four months after, there had been a decrease of 31 per cent on the whole, and more than 50 per cent on the Monday committals. Now, it might have been supposed that an Act, the good effects of which were reported in the papers, and acknowledged by the leading magistrates, would have been supported by public opinion and by the House; but the fact was that a very important class of people in the country were opposed to it. The trade connected with the sale of these drinks was particularly affected by the Act, and began to agitate at once. In almost all the towns there was a general feeling in favour of the Act, except amongst a certain proportion of publicans, and the publicans created an agitation and put a pressure upon Members of this House. It happened that at that time there was a Sunday Trading Bill, which had been brought in by Lord Robert Grosvenor, and though it did not in any way affect the sale of beer, it created a very large amount of excitement amongst a certain class of the community in London. There were tumultuous assemblages in Hyde Park, and the opportunity was afforded and taken to make it appear that the riots were occasioned by the disapproval felt by the people at large for Wilson-Patten's Act. The riots had really nothing to do with the closing of public-houses on Sunday, as was proved by the public prints at the time, but simply had reference to Lord Robert Grosvenor's Bill; but the hon. Member for Bristol (Mr. Berkeley), who had great sympathy with the particular class of people to whom the Act was distasteful, came forward as their acknowledged advocate—for he did not disguise it—and proposed a modification of the Act. He moved for a Committee, and that Committee was appointed under circumstances of a very peculiar character. It was appointed entirely in the hon. Member's interest, and the large majority of its members were understood to be opposed to the Act of 1854, into which they were directed to inquire. They heard the evidence of a very small number of witnesses, and these with one exception exclusively from London, and refused to hear a very considerable number who had been brought up from the country at considerable expense in order to give evidence of the good working of the Act. They refused to listen to evidence which would have proved the great benefit of the Bill; and, upon small and very partial evidence, they hastily came to the conclusion that the Act ought to be repealed. Accordingly, the hon. Member brought in a Bill which recited that some slight inconvenience had been occasioned by the Act. Now, he (Mr. Rylands) entirely denied the alleged fact on which the Bill was based, and he believed it had inflicted a very serious injury on the country by removing the benefits of the Act of 1854. He had shown the good results of the Act of 1854, in England and Wales—he believed he should carry the House still more decidedly with him when he appealed to the experience of Scotland; where a measure precisely such as that which he was now advocating had been in operation for a number of years. The working of it was challenged just as the Act of 1854 was, but instead of being referred to a small Committee manipulated in the way he had described, and presided over in a particular manner, it was referred to a Royal Commission, which went through Scotland to make inquiries. It examined between 700 and 800 witnesses, and the result was that they reported the operation of Forbes Mackenzie's Act to have been highly beneficial. The Commissioners in their Report stated—

> "The improvement in large towns has been most remarkable; whereas, formerly, on Sunday mornings, numbers of persons in every stage of intoxication were seen issuing from the public-houses, to the great annoyance of the respectable portion of the population on their way to church, the streets are now quiet and orderly, and few cases of drunkenness are to be seen. The evidence of the police authorities prove that whilst there has been a considerable diminution in the number of cases of drunkenness and disorder since the passing of the Act, the change has been more marked on Sunday than on any other day of the week. Employers of labour, and workmen themselves, are unanimous in testifying to the great improvement that has taken place in the regularity of attendance at work on Monday morning, and many publicans examined before us express themselves as grateful for the existing law."

He had thus adduced evidence to prove—first, that restrictions have been imposed by the authority of this House; and secondly, that they have had the effect of diminishing crime and drunkenness. Why, then, should there be any difficulty in imposing further restrictions, especially when there was, at all events, a considerable public opinion in favour of Sunday closing. A great majority of the householders had expressed themselves in favour of the entire closing of public-houses on Sunday, and Petitions had been presented to the House in very large numbers to the same effect. He might also refer to public meetings, chiefly consisting of the working classes, where resolutions had been carried in favour of Sunday closing. He asked the House, therefore, to adopt this Resolution with the view of urging on the Government the desirableness in the important measure they were expected to bring forward early next Session on the licensing law, of including in it very considerable restrictions on the sale of liquors on Sunday. He believed that in treating that question, together with other modes of restriction, they would receive the general support of the House. This question is not one of party—hon. Members on the Opposition side of the House are as earnest as Members on this side in favour of restriction. He believed that, if the Government dealt with it next Session, they would pass a measure which would not be in the least beneficial of the great measures they have in hand. He believed it would be in the interest of the working classes; that it would augment the force of those important agencies for good which were at work throughout the country; and that all those agencies, whether moral, religious, or intellectual, would be advanced and benefited by the removal from their path of the difficulty arising from the temptations to drink; and if, as the result, they freed the working classes from those temptations, and enabled them to take advantage of the benefits offered them, to that extent we would succeed in placing the people in a position which would justify the confident hope that they would maintain the high position which this country had hitherto held.

Motion made, and Question proposed,

> "That, in the opinion of this House, it is expedient that any measure for the general amendment of the Laws for Licensing Public Houses, Beer Houses, and Refreshment Houses should include the prohibition of the sale of Liquors on Sunday."—(*Mr. Rylands.*)

MR. LOCKE said, that while the hon. Gentleman had been very copious in his references to the law of 1854, he had carefully avoided the year 1868. The Select Committee of last year was presided over by Sir James Fergusson, and a more careful, independent, and scrutinizing Chairman never sat upon any Committee; and, moreover, he was a Scotchman, and had his prejudices. The Committee had a large blue book before them, the Report of the Commission sent to Scotland, which painted drukenness in the most vivid colours, whether it occurred in the open streets or in public-houses; but it was entirely overlooked when it occurred in a shebeen. Now the question entirely resolved itself into one between the shebeen and the public-house. The great question was whether the restrictions on the liquor trade had in Scotland caused a diminution of drunkenness, and a great many witnesses gave evidence that it had not diminished—that instead of being public it was private—instead of being in the public-house it occurred in the shebeen. Then they had before them the Bill of the hon. Member for Bristol (Mr. H. Berkeley) and the measure of Lord Robert Grosvenor with regard to Sunday trading, which created the row in Hyde Park. Many of the tradesmen who were interfered with—the barbers said it was the publicans and the publicans said it was the barbers—made a noise and the consequence was that respectable people were insulted and the Act was repealed. Then various statistics had been got up by all the religious societies which were opposed to drunkenness. It must be borne in mind, however, that these societies were of a peculiar description. Some time ago an account of them appeared in *The Times*, showing that the persons who organized these societies made a very good thing of it, and that the greater part of the subscriptions went into the pockets of those who carried them on. ["No, no!"] Well, he was only repeating what he had read in *The Times*. He might mention that a host of these persons appeared daily before the Committee of 1868, and that they did not go there for nothing he was perfectly certain. These societies had got up and excited his hon. Friend, who had a great many members among his constituents. Now as to the Acts of Parliament, he thought he had gone through them all except the statute of Edward VI. But those were barbarous times and did not understand political economy. Even Henry VIII. did not understand it, because one of his statutes required tailors to make cloth coats and sell them at a particular price; and Edward VI. laid down the rule that nobody should drink unless he liked it. Well, people in those days drank because they liked it. The rule was that everybody might do as he pleased, provided he did not interfere with other people. That was an exceedingly good rule, but it was not the doctrine of my hon. Friend. But he might say this with regard to his hon. Friend—that he had seen him in the dining-room, and he had seen him the better for drink. Well, if he could improve his condition in that way, why should not other people? His whole speech from beginning to end was not against drinking in particular but against drinking in general; and it was only in the latter part of it that he touched upon Sunday, and he touched it in the lightest way possible. But it must be obvious to everybody that a man was thirsty on Sunday as well as any other day, and therefore to deny any man the right to drink on Sunday simply because it was Sunday was one of the most preposterous propositions he ever heard of. His argument went to this, that nobody was to use spiritous liquors at all; but, if any day, why not on Sundays? If he wants to be enlightened on that point let him read the Report of the Committee of 1868. That Report went upon the honest straightforward principle, and stated this fact—that drunkenness had greatly diminished and was greatly diminishing, and that the sense of the country dictated that you should not unnecessarily interfere with the interests of the public at large. Now, when the hon. Gentleman went back to the reign of Edward VI., and to Lord Robert Grosvenor and the hon. Member for Bristol, and all those things, it seemed somewhat extraordinary that he should entirely have left out the Report of the Committee of 1868, which to his (Mr. Locke's) mind disposed of the question. He hoped that the Government would take no notice whatever of his Motion.

Mr. NEWDEGATE said, he could not admit that hon. Members on his side of the House were indifferent to the promotion of temperance. He had himself anxiously supported Mr. Forbes Mackenzie in carrying the statute which bears the name of that hon. Gentleman; adhering to the same principle, he had supported the Act of 1854, and had opposed the repeal in 1855. As regarded the Forbes Mackenzie Act, so far as related to Scotland, he believed it had done much good. The discontent caused by the operation of the Act of 1854 had led the House to repeal it, and he was anxious not to see the House again placed in the position of passing an Act one year and of being compelled to repeal it the next. The hon. Member for Warrington had alluded to the agitation on this question. To show the character of the agitation by those, who promoted the movement, he would refer to a resolution passed at Manchester in October, 1868. It was moved by Archbishop Manning, and was to the effect, that the Executive should be directed to promote conferences on the question in all the great centres of population. Some hon. Members might recollect the movement of Father Matthew, and what was the result? It led to an organization, which was established for the purpose of temperance, but was turned to political purposes. ["No, no!"] He said yes. ["No!"] The result was that the temperance movement, by being converted into political objects, had produced serious disorganization in Ireland. He was in favour of modification of the present law, but he was opposed to the extreme measure indicated by the Resolution before the House. If the House adopted extreme views he was afraid they might find themselves in a position similar to that of 1855.

MR. BRUCE said, that considering the great interest on this subject which was manifested throughout the country, and the very extreme views with respect to it which undeniably received the support of a very large number of persons out-of-doors, nobody could complain of the manner in which the hon. Gentleman had introduced the subject. At the same time he could not but think that the Resolution was somewhat unseasonable. He would not dwell upon what took place last Session, when a much more moderate measure than that which the hon. Gentleman recommends was referred to a Committee and condemned as unsuited to the wants of the time. He would rather refer to two discussions that have already taken place on this subject this Session, and to the distinct pledge which had been given on the part of the Government that the whole subject with respect to licensing and other points should be considered. When that was done, it would be the duty of the House to consider whether any further restrictions should be imposed on the sale of intoxicating liquors on Sunday, and he thought it would be better to abstain from entering at present into the question whether such restrictions were expedient. The subject fully deserved and would receive the consideration of the Government. He hoped the hon. Gentleman would be satisfied with that assurance, and would not press his Motion to a division.

MR. HIBBERT thought the remarks made by the hon. and learned Member for Southwark (Mr. Locke) were calculated to convey an erroneous impression with regard to the proceedings of the Committee of last year. He stated that the hon. Member for Warrington (Mr. Rylands) had not referred to the Report of that Committee, because it was so strongly against him that he was afraid to mention it. Now, though no doubt the Committee reported in that sense, they were not unanimous. He (Mr. Hibbert) himself brought forward a Motion in favour of further restriction on Sunday, though not to the extent proposed by the Bill of last year, but in favour of curtailing the hours public-houses should be open on Sunday, and that Motion was only lost by 1 vote. He might say, too, that the evidence before it, almost from all quarters of the country, was in favour of further restriction on Sunday. The proper way to meeting the question would be to close all these places at an earlier hour on Sunday evening, and not to go in the face of that strong opinion which would be likely to be expressed if they attempted to close them the whole day. He entirely sympathized with the object the hon. Member had in view, but he hoped he would not press his Motion to a division.

MR. RYLANDS said, that after the speech of the Home Secretary, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

## NEW LAW COURTS.

### MOTION FOR A SELECT COMMITTEE.

MR. GLADSTONE, in rising, pursuant to notice, to move for the appointment of a Select Committee to inquire into the Site and Charge of the New Courts of Law, said: I need not trouble the House at any great length in stating the reasons which have induced the Government to think that it would be expedient to refer this subject to a Committee. I need not especially enter into the comparative merits of one or other of the plans which have been brought under our consideration. The manner in which the question has risen is this—It will be recollected that at the commencement of the Session my right hon. Friend the Chancellor of the Exchequer, who had then only recently came into Office, was very much startled, and even shocked, at the probable outlay of about £4,000,000—which was, I think, the estimate as the project then stood—on the erection of the new Courts on the Carey Street site. He made a statement to the House, in which he strongly objected to an expenditure on that scale, and he went on to make a suggestion which was supported by my right hon. Friend the First Commissioner of Works—to the effect that the Courts should be erected on a new site on the Thames Embankment, which, in his opinion, would be preferable on the score of economy and convenience, and the selection of which would not be likely to give rise to any considerable delay—if, indeed, to any delay at all—in comparison with the Carey Street site. When my two right hon. Friends had developed their plans, they so far made a decided impression on opinion out-of-doors and within-doors that it was generally admitted, both by friends and opponents of the Carey Street site, that it might be advisable to think of a great contraction of the plan. But it was said—"Granting that it may be right to diminish very much the area and the cost of the new Law Courts, why should we leave that site which has received the sanction of an Act of Parliament, which cannot be disposed of without a considerable loss, and with respect to which we have already incurred and inflicted all the inconvenience of clearing away a very considerable population?" I wish, however, to point out that the plan which we found in possession of the ground at the commencement of the year—namely, the great scheme in Carey Street, for which seven or eight acres had been acquired and six or seven more were to be acquired—has practically disappeared, and that the plan for a reduced edifice upon the Carey Street site is, in fact, a new plan for all practical purposes like the plan of the Chancellor of the Exchequer and the First Commissioner of Works upon the Thames Embankment. It may be said that this is not a new plan, inasmuch as it is a return to the scheme which was originally contemplated. But then it must be borne in mind that the authorities to whom the maturing and execution of that project was entrusted did depart from that original plan, for reasons which we must assume to have been sufficient; and, therefore, I contend that the question whether we can revert to a contracted plan upon the Carey Street site is a question which must be considered either altogether or at least in a great degree as a new question. Now, my right hon. Friends were probably sanguine enough to believe that they would be able so to impress opinion in favour of the plan on the Embankment site that no opposition would be raised to it in favour of a contracted plan on the Carey Street site. But that has not been the case. Naturally enough, those who had originally projected the Courts upon the Carey Street site, and had obtained for that site the verdict of a Commission—although they obtained it at a time when the Carey Street site was not in full competition, nay, was hardly in competition at all with the Embankment site — these highly intelligent persons and the powerful interests which they represent could hardly be expected to forego the advantages they had gained by the sanction of Parliament and by the fact that important steps had been taken towards the execution of the plan. We have also to take into view the period of the Session at which we have arrived, the great pressure and importance of the public business which has to be transacted, and the almost absolute impossibility of asking the House of Commons at this period to devote so much time upon the floor of the House as would be sufficient for that examination and settlement of all the matters controverted between my hon. and learned Friend (Sir Roundell Palmer), the noble Lord opposite (Lord John Manners), the right hon. Member for South Hampshire (Mr. Cowper), and others on the one side, and those who, on the part of the Government, and as independent Members, have given their decisive adhesion to the Thames Embankment, and the plan recommended with singular ability and great fertility of resource by the distinguished architect who was selected by the noble Lord opposite for the execution of the new Law Courts. Under these circumstances, as well as from former experience, the Government are aware that these are not subjects upon which the House of Commons is to be led merely by authority, and that there is no way of obtaining its assent except by carrying conviction to its mind. The Government, therefore, desire to associate the House of Commons with themselves, and not at the close of a Session, when the power of an Administration is generally supposed to increase greatly in relation to the power of independent Members, avail themselves of that or any other collateral advantages for the purpose of giving less than fair play to the contending merits of either of these places. We think, therefore, that the most convenient course for the House of Commons and the fairest for all parties would be to ask the House at once to appoint a Select Committee for the purpose of examining into the questions immediately connected with the site and the charge of the new Courts. Another question, into which I will not enter at any length, arose in connection with the Committee on Standing Orders. The Committee on Standing Orders very naturally felt that they were hardly in a condition to recommend that the Standing Orders should be dispensed with, so as to allow the Bill to go forward, unless the authority of the House had been definitively given to the plan recommended by my right hon. Friend. They being appointed for the defence of private rights and interests would not have been justified in setting aside those private interests under any sanction less than the authority of the House. For that purpose an immediate vote in favour of the Embankment plan would have been necessary, and the House is not in such a state of opinion as to justify us in asking for such a vote at the present moment. Upon this ground it is that, without entering into the controversy between these plans, or asking any Gentleman to abate any opinion he may have formed or expressed in favour of either of them—as a measure of general fairness and convenience, and one intended to promote expedition—I beg to move that a Select Committee be appointed to inquire into the Site and Charge of the New Courts of Law.

Sir ROUNDELL PALMER: The House will hardly be surprised to hear that it is not with entire satisfaction that I assent to a proposal tending to keep open a question which in my mind ought to be considered as closed by reasons upon which existing Acts of Parliament have been founded. Having on former occasions had opportunities of stating my opinions on this matter to the House, I should not, however, do right to depart from the example of my right hon. Friend by going into the merits of the general question. I own it is with regret that I find the Government suggesting any course which leads to delay in a matter on which we have available materials for an immediate decision. I regret also the cost of this delay, for the interest on the capital expended amounts to £30,000 or £40,000 a year. On the other hand I feel, and I think the House will feel, that it would not become me or any other Member to oppose a proposition for inquiry recommended to the House by the authority of my right hon. Friend and upon his responsibility. But I am bound to say that I think the time at which the inquiry is proposed is very inconvenient. Personally for me to take part in such an inquiry would be a simple impossibility. My engagements make that out of the question. Now, much will depend upon the manner in which the proceedings of that Committee are conducted and upon the nomination of the Members. I need not say that, whatever may be the decision of a Committee so appointed, it is not necessarily the decision of the House. Of course, if a Committee were nominated with a majority of persons already known to entertain opinions either in favour of the Carey Street site, or in favour of the River site, although they might be instrumental in collecting important information, no one would be surprised if in the end they adhered to the opinion with which they began. I feel perfectly sure, however, that it is the intention of my right hon. Friend to constitute that Committee in the fairest manner possible; and I do not doubt that the proceedings of the Committee will be conducted, by the help of those who entertain opposite views, so as to add something to the materials already existing for a correct judgment upon the subject, or at all events, to bring those materials forward with some additional authority. I therefore acquiesce, though with some reluctance, in the proposal of the Government.

Mr. HINDE PALMER, referring to a question which had been put to the Chancellor of the Exchequer on this subject, wished to state that a Petition had been presented to this House by his right hon. Friend (Mr. Walpole) expressly stating that the Hon. Society of Lincoln's Inn were ready to abide by their original proposal as to the erection of the Equity Courts in Lincoln's Inn. The right hon. Gentleman had reminded the House that a reduced building was to be erected either on the Carey Street site or on the Thames Embankment, and if there was to be any deviation from the original design in this respect the Committee should consider whether the proposal of the Society of Lincoln's Inn should not be entertained. By the adoption of the proposal of Lincoln's Inn an outlay of at least £100,000 would be saved to the country, and on another opportunity he would move that the Petition he had mentioned should be referred to the proposed Committee.

Mr. WALTER thought that before the question was put it would be convenient if the right hon. Gentleman the Prime Minister would state whether or not he considered that, not only the respective sites and charges, but also the particular plans and designs of the different architects should be submitted to the consideration of the proposed Committee, for it must occur to everyone that a design suitable for one site might not be suitable for another. He doubted whether the whole question could be properly considered by the Committee without the particular plans being brought under their consideration.

Mr. GLADSTONE said, that as far as he was able to judge, the designs would not be brought under the consideration of the Committee, but the details of the plans would naturally come before them. He need hardly say how completely he concurred with his hon. and learned Friend (Sir Roundell Palmer) as to the necessity of having an impartial Committee. It was quite obvious that one which was not so would have little weight with the general judgment of the House.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the Site and Charge of the New Courts of Law."—(*Mr. Gladstone.*)

And, on June 28, Committee *nominated* as follows: — Mr. Chancellor of the Exchequer, Lord Stanley, Mr. Layard, Lord John Manners, Mr. William Cowper, Mr. Hunt, Earl Grosvenor, Mr. Mowbray, Mr. William Gregory, Mr. Hope, Mr. Tite, Mr. Bentinck, Viscount Enfield, Mr. Goldney, Mr. Torrens, Mr. Russell Gurney, and Mr. Osborne Morgan:—Power to send for persons, papers, and records; Five to be the quorum.

*Mr. Hinde Palmer*

## SUNDAY AND RAGGED SCHOOLS BILL.

(*Mr. Charles Reed, Mr. Bazley, Mr. Graves, Mr. M'Arthur.*)

[BILL 67.] COMMITTEE.

Order for Committee read.

Mr. GLADSTONE said, that as it was the intention of the hon. Member to alter the Bill by introducing certain definitions, and as hon. Members had not been made acquainted with the nature of the alterations, the most convenient course to pursue would be to commit the Bill *pro formâ* now for the purpose of introducing the Amendments.

Mr. REED said, the alterations he intended to make were exceedingly slight, and were prepared in order to meet the views of the President of the Poor Law Board. He hoped he would be allowed to proceed with the Bill in Committee.

The CHANCELLOR of the EXCHEQUER said, he thought the course now proposed to be taken most objectionable. A Bill had been introduced to exempt certain things from taxation. [*Laughter.*] He called them things because they did not yet know exactly what they were, but the people were to be called on to contribute the amount which certain institutions should pay. It was reasonable before going into Committee that the House should know what the institutions were. They were called Ragged Schools and Sunday Schools; and as definitions of those terms had been asked for the hon. Member stated that he had prepared them, but unreasonably asked the House to go into Committee without explaining what they were. It was proposed to make, in favour of denominational Sunday Schools, an exemption which was equivalent to a grant. Under compulsory church rates the minority was compelled to contribute towards the support of the religion of the majority, which was bad enough; but in this case it was proposed to make the majority pay for the schools of the minority. Everybody who set up a Sunday School was to have a grant towards the expense of it. The House had a right to see the terms defining the schools that were to be exempted, and he therefore trusted that the Committee would be postponed for three days, in order that the Bill as amended might be re-printed.

Mr. BAINES said, the Bill was one of the utmost simplicity. There was only one clause likely to provoke discussion.

He wished the Government to give an undertaking that progress should be made with the measure at the end of the three days, if the suggested postponement were acceded to.

MR. CARDWELL said, that there was an Amendment on the Paper to establish certain definitions. Was it reasonable they should impose taxation without knowing its limits? It was all very well to talk about exemptions, but exemption to one man was increased taxation to another.

MR. COLLINS said, he hoped the Bill would be proceeded with. The Bill was good as far as it went, and, if necessary, an interpretation clause could be introduced. The House had affirmed the Bill by a large majority on the second reading.

MR. GOLDNEY said, that if the hon. Member wished to proceed with his Bill he had better accede to the suggestion of the Government. A great principle was involved in the Bill that required consideration.

MR. BRUCE appealed to the hon. Member not to insist on proceeding with the Bill. Although the Government might be opposed to the principle of the Bill, they offered no opposition to its introduction. It was necessary to pause until they had the fullest information on the subject. The Bill proposed only to deal with one part of a great subject. There was extreme danger of extending Ragged Schools at the expense of other schools. However necessary Ragged Schools might be, their number should be limited to the strict wants of the locality, as they were not fit receptacles for the children of respectable persons. Partiality to these schools would tend unduly to multiply them at the cost of better schools. There were grave doubts whether the House ought to proceed further with the Bill.

MR. SCLATER-BOOTH said, that if the Members of the Government entertained objections to the principle of the Bill they ought to have been in their places on Wednesday, and to have supported the President of the Poor Law Board. This was a question of rating rather than of taxation, and the reasonable and logical course would be to permit the parishes to exempt these schools if they thought fit. For Parliament to do it was to impose fresh contributions on the owners of other property. He should endeavour to oppose the further progress of the Bill.

MR. GLADSTONE said, the Government had exposed themselves to an unfair reproach by abstaining from discussion on the second reading of the Bill, which they did out of consideration for the hon. Member in charge of it, and in order not to obstruct him; but the Government was largely represented in the division. To press the Bill on was not the best mode of making progress with it.

MR. CANDLISH said, he thought the object of the hon. Member would be best promoted by acceding to the suggestion of the Government.

MR. HENLEY considered the proposal a very fair one. The House ought not to be called on at one o'clock to discuss Amendments which they had never seen.

MR. REED had never said he desired to press the Bill against the feeling of the House; but he wished to retain his position in regard to a measure the principle of which had been affirmed by the vote of a large majority of the House. He confessed himself astonished at finding the Home Secretary that night attacking the principle of the Bill. He simply asked the Government to give him a day on which he could bring his definitions, prepared at the request of the Government, before the House. He supposed there would be no objection to the Bill now being committed *pro formâ*.

THE CHANCELLOR OF THE EXCHEQUER said, he would withdraw his Amendment.

Bill *considered* in Committee, and *reported;* to be *printed*, as amended [Bill 170]; *re-committed* for *Friday*.

## MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—[BILL 23.]

*(Mr. Thomas Chambers, Mr. Morley.)*

### INSTRUCTION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [8th June],

> "That it be an Instruction to the Committee on the Marriage with a Deceased Wife's Sister Bill, that they have power to make provision therein for a woman to marry her deceased husband's brother."—*(Mr. Collins.)*

Question again proposed.

Debate *resumed.*

MR. BERESFORD HOPE appealed to the hon. and learned Gentleman who had charge of the measure (Mr. T. Chambers) not to go on with it at that late hour (one o'clock). If it was too late to discuss the question of the rating of Ragged Schools at half-past twelve, *à fortiori* they could not proceed half-an-hour later with an alteration of the whole Marriage Law of England. The proposed Instruction to the Committee that "they have power to make provision for a woman to marry her deceased husband's brother," opened up a very wide question. He honoured Dissenters for opposing this Bill. The argument for extending marriages might be pushed further on the same ground, for a father to marry his son's wife, for who was more likely to be a good father to his son's children than their grandfather? He moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Beresford Hope.*)

The House *divided:* Ayes 52; Noes 100: Majority 48.

Question again proposed.

MR. T. CHAMBERS said, those who proposed the Instructions were not doing it for increasing the efficiency of the Bill, but to defeat it and a principle that had been sanctioned over and over again. If the Amendments were withdrawn, he would not press their going into Committee.

SIR HENRY SELWIN-IBBETSON moved the adjournment of the House.

MR. COLLINS said, if a man were allowed to marry two sisters, a woman ought to be allowed to marry two brothers. The Marriage Laws should be discussed in a whole, and not in this piecemeal manner. Let it be done broadly, and not in this wretched manner. He supported the Motion for the adjournment of the House.

MR. MONK said, that as an imputation had been made on him and the hon. Member for Boston (Mr. Collins) who had placed Instructions to the Committee on the Notice Paper, he begged to say he had not been actuated by any factious feeling against the Bill. It was impossible to discuss the Bill without noticing the absence of principle in every clause. He had no such sinister motive as had been attributed to him by the hon. and learned Member for Marylebone (Mr. T. Chambers.) He called upon the First Minister of the Crown and upon the Government generally to oppose a measure which was so exceptional to the general law of marriage of this country, while the Report of the Commissioners on the Laws of Marriage was lying on the table and recommended uniformity in the three Kingdoms. The Bill proposed to allow a man to marry his wife's sister, who stood towards him in the second degree; but it did not propose to allow him to marry his wife's niece, who was related to him in a more distant degree.

MR. BRIGHT: The hon. and learned Member who introduced this Bill has just told us that this measure has been before the House for at least thirty years. It has passed this House on repeated occasions, and by considerable majorities. It passed the second reading after as much discussion as such a Bill was likely to have by a majority of 100. To-night the division shows a majority of 2 to 1, and there can be no doubt that, so far as this House is concerned, the Bill is destined to pass; and there are strong reasons for supposing, looking at the opinions of those who direct the conscience of the other House, that the Bill may meet with a not unfavourable reception there. The hon. Member (Mr. Monk) says it is an exceptional measure. What was the Bill of 1835, which this Bill is intended to meet? There is nothing in this Bill more exceptional than that Bill. I will not now go into the discussion whether the hon. Gentlemen opposed to it have any reason in their objections or not. But see how many hundreds of fathers with their wives and children throughout the country, whose interests, whose peace of mind, and in some sort, whose characters are concerned in the passing of this Bill; and I ask hon. Gentlemen whether, when the Bill has received the sanction of the House so many times—and during this Session, I believe, by a larger majority than on any former occasion—they will not consent to let it go through? The hon. Member says—why pass a partial measure like this? If they were in favour of this Bill, so far as it goes, and wished for something farther, they could consider it in Committee. But they are not in favour of the Bill so far as it goes. The object of the Bill is to meet an existing and admitted grievance. When the brothers and the nieces, of whom the hon. Members (Mr. Collins and Mr. Monk) speak—when they are in great suffering and have a great cause of grievance, then the House of Commons shall take that into consideration. For it is a good custom of the House to take a grievance as it stands, and not to remedy grievances and put into Bills more than the public ask for and are prepared to accept. I do not want the Bill to go over, because I think there are many hundreds and many thousands in this country who have a right to ask Parliament to relieve them from the sufferings which they now endure; and when the House of Commons has said they should have that remedy, I should not like to be in the position of those who, after such incessant action on the part of the House of Commons, should still interpose against this great measure of relief, which many hundreds of fathers, as good as any Members of this House, ask to meet their case. I therefore hope that the hon. Member will allow the measure to go into Committee.

MR. HENLEY said, that nothing could be more inconvenient than business upon which there was a difference of opinion being brought on at so late an hour of the night. The question raised by the Bill was whether there was to be a different Marriage Law for England, Ireland, and Scotland. Sir Robert Peel's rule of allowing no contested business to come on after twelve o'clock at night was an excellent one, and facilitated Public Business.

MR. GLADSTONE said, that the rule the right hon. Gentleman referred to was well worthy of consideration; but it was scarcely fair to revive it, after it had been a dead letter for so many years, just in time to put off the hon. and learned Member's Bill. The proposition of the hon. and learned Member that the extraneous Instructions should be cleared out of the way was only reasonable, and he trusted that the House would assent to it.

Motion made, and Question put, "That this House do now adjourn."—(*Sir Henry Selwin-Ibbetson.*)

The House *divided*:—Ayes 43; Noes 101: Majority 58.

Question again proposed.

COLONEL BARTTELOT moved the adjournment of the debate. It was time that the House should be adjourned.

MR. T. CHAMBERS said, that all that had been yet done was in the way of obstruction, and he wished to know whether the hon. Member who had proposed the Instruction would at any time, or under any circumstances, take the sense of the House upon it. He should submit to the wish of the House.

MR. EYKYN complained at the delay that would be occasioned by the adjournment of the debate, but he was ready to concede it.

MR. ASSHETON CROSS remarked that the statement of the right hon. Gentleman the President of the Board of Trade—that this Bill had been incessantly passed by the House of Commons—was inaccurate, as it had been thrown out by the last Parliament, and he believed the Parliament before.

MR. MONK said, that the hon. Member who had accused him of obstruction did not know what he was talking about. No opportunity of moving the Instruction had yet been afforded to him.

MR. BERESFORD HOPE urged the Government to give a Morning Sitting for the discussion of the question.

MR. T. CHAMBERS reminded the House that the principle of the Bill had been already discussed, but of course he should be glad to get a Morning Sitting. He could not then, however, further resist the opposition on the other side.

Motion *agreed to.*

Debate *adjourned* till *Wednesday*, 30th June.

### SUBURBAN COMMONS BILL.

On Motion of Mr. COWPER, Bill to provide for the Improvement, Protection, and Management of Commons near cities and large towns in England, *ordered* to be brought in by Mr. COWPER and Mr. LIDDELL.

Bill *presented*, and read the first time. [Bill 174.]

### CRIMINAL LUNATICS BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to amend the Law relating to Criminal Lunatics, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 172.]

### POOR LAW (IRELAND) AMENDMENT (NO. 2) BILL.

On Motion of Mr. GREGORY, Bill to amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more effectual relief of the destitute Poor in Ireland," *ordered* to be brought in by Mr. GREGORY and Colonel VANDELEUR.

Bill *presented*, and read the first time. [Bill 173.]

House adjourned at a quarter after Two o'clock.

# HOUSE OF COMMONS,

*Wednesday, 23rd June, 1869.*

MINUTES.] — Select Committee — *Report* — Public Accounts Committee (No. 278).

Supply—*considered in Committee*—Post Office Packet Service.

Public Bills — *Ordered—First Reading*—Corn and Grain Measurement * [177] ; Stipendiary Magistrates (Deputies) * [176].

*First Reading*—Special and Common Juries * [175].

*Second Reading*—Medical Officers Superannuation (Ireland) [48].

*Referred to Select Committee*—Seeds Adulteration * [49].

*Committee* — *Report* — Joint Stock Companies Arrangement * [140].

*Considered as amended*—Poor Law Union Loans * [167].

*Third Reading*—Poor Law Union Loans * [167] ; Companies Clauses Act (1863) Amendment * [138], and *passed.*

*Withdrawn*—Money Laws (Ireland) [16] ; Game Laws Amendment (Scotland) [Mr. M'Lagan] [32].

## MONEY LAWS (IRELAND) BILL—[Bill 16.]

(*Mr. Delahunty, Mr. Blake, Mr. Dawson.*)

### SECOND READING.

Order for Second Reading read.

Mr. DELAHUNTY, in moving that the Bill be now read a second time, said, that Lord Stanley, a leading Member of the late Government, had declared that Ireland was the difficulty of the Empire, and that he had asked for a remedy but none had been suggested. Now he (Mr. Delahunty) proposed a remedy for the evils of Ireland, namely — legislative equality— to give to Ireland the same laws as were given to England, more particularly the same Currency Laws. The principle of the legislation in England with regard to her Money Laws was sound and good, while that of Ireland had resulted in disaster and ruin to that fine country. He wished to put an end to what might be called a separate system, in order that Ireland might be dealt with as a part of the Empire, and that the Union between the two countries might be a union in fact and not merely in name, for he was persuaded that until legislation took that direction, the Irish people would seize every opportunity that might present itself to separate themselves from England. In his opinion, a combination of the people of the United Kingdom under equal laws made by a Parliament sitting in this metropolis, was better than separate legislation for Ireland by a Parliament sitting in College Green. He would rather see a large combination like France than a small one like Denmark. This he was able to say, as an old colabourer with Mr. O'Connell, was the opinion of that eminent man, who desired Imperial legislation, and who only asked for a separate Parliament when he found it impossible to obtain from the Imperial Parliament equal laws and institutions for the two countries. The condition of Ireland was a subject that enlisted his interest from his youth, and he had, in fact, taken a part in public affairs since the year 1826, working for Catholic emancipation and for Parliamentary and municipal reforms, all of which had conferred enormous advantages on Ireland. Equal laws were, he was persuaded, the only remedy for the anomalous condition of Ireland, and from his experience of that country he could say that if they were extended to it Fenianism would be no longer heard of. When the Money Laws of Ireland were the same as those of England, the country advanced equally with England in prosperity and population, as was proved by the Census Returns and trade statistics of each year The Legislative Union of 1800 between the two countries being based upon the assumption of different and independent interests, had led to the enactment of separate laws for each, which not having worked beneficially for Ireland, it became necessary to try the principle of legislative equality, so as to effect a union advantageous to Ireland. The progress of Ireland in manufactures, productions, and population, during the times when the financial and Money Laws of both countries were the same, was always, in manufactures and productions, evidenced by the ascertained amounts of exports and imports, as 1 to 4 compared with Great Britain, and in population 11¼ to 20 as compared with England and Wales. Since 1826, however, when, for the first time, different Money Laws prevailed, Ireland suffered so that her exports, imports, and population were not one-half what they would have been if her progress since then had been equal to what it was previously. The commercial vitality and progress of Ireland before 1826 were great in despite of various kinds of obstructions, impediments, and restrictions, nearly all of which had since been removed. As evidence of which vitality it appeared that, in 1812, the total shipping entered inward to the ports of the three Kingdoms, was as follows :—England and Wales, 13,002 vessels, 1,779,852 tons, 101,098 men; Scotland, 3,403 vessels, 318,306 tons, 20,792 men; Ireland, 11,656 vessels, 1,062,135 tons, 62,462 men; and at no period during the fifty years previously was the tonnage of Great Britain three times that of Ireland. Since 1826, Catholic Emancipation, Parliamentary and Municipal Reform, Free Trade, Poor Laws, &c., had taken place—railway and steam communications, with other great scientific improvements and discoveries, had given industrial productive development an immense beneficial impetus, so as to increase fivefold the exports and imports of England, in the face of which Ireland had become comparatively depressed and depopulated, and mainly dependent upon one source of industrial development—the land. There were two kinds of money now used throughout the world—first, real money, specie; second, credit money, bank or State paper notes, inconvertible or convertible into specie, as the laws of the country might require. In 1773 the specie of Great Britain and Ireland being clipped and worn to a great and injurious extent, the British Parliament considered it necessary to reform the currency by a re-coinage of the precious metals, and restricting the circulation of small notes; and, according to the account of Mr. Rose (the Secretary to the Treasury), a coinage of over £25,000,000 of gold took place, and it was considered necessary, in 1775, to prohibit notes under, £1, and, in 1777 notes under £5, which Acts were renewed every year until 1787, when they were made perpetual. The progress of Ireland under this system was known to have been great and unprecedented. In 1797, owing, as it was alleged, to the war with France, Mr. Pitt passed "the Bank Restriction Act," and as banks were thereby allowed to issue inconvertable paper, they were also permitted to issue small notes. The evil effects of displacing specie by the small paper currency were soon felt, particularly by Ireland; but as the laws in both countries were alike, the comparative progress continued as before. In 1819, the Act for the resumption of cash payments passed, to take effect in 1822, but being unfortunately unaccompanied by the safeguard previously existing, which kept the gold in the country—namely, the prohibition of small notes—the effects were soon felt in the departure of the specie, which with great expense and trouble, had been purchased and brought into the country for the occasion—the consequent failure of the banks for the want of gold—the depression of the manufacturing and agricultural interests from the great scarcity of money—so that the pressure upon Ireland created the great famine of 1822—upon England the great panic of 1825, which later occurrence caused the Government of the day to bring in a Bill, in February 1826, to place the currency of England upon the ancient basis, and which Bill became law the following month, prohibiting small notes, and restoring England to the same Money Laws that she enjoyed before 1797, but leaving Ireland without change, with the laws that had at the time proved so injurious and so destructive. The new and unprecedented Money Laws, passed for the United Kingdom in 1844 and 1845, had intensified and increased in Ireland the evils of the legislation of 1819, inasmuch as those laws restricted the issue of bank notes of every kind, and stopped the formation of new banks of issue, before Ireland had the opportunity of establishing a sufficient number of joint-stock banks, which, after the stoppage and closing of the private banks, they had recently been allowed to do in the provinces, the Legislature having confined the monopoly of the Bank of Ireland within a circuit of fifty Irish miles of Dublin. It was true such new laws applied also to England; but the presence of the gold circulation there, continually increasing especially since the gold discoveries, neutralized its effects, which were most ruinous and disastrous to Ireland, producing in a few years, the extraordinary anomaly—that, whereas the money circulation of Ireland had, previously to 1826, been always as 1 to 4 as compared to England and Wales, but, owing to the absence of gold in Ireland, was as 1 to 8 in 1845, came rapidly down, so as to be 1 to 16 in 1849, and which proportion has since continued with little variation. The law of 1826, prohibiting small notes did not lessen the paper circulation of England, but the specie soon exceeded it, so that the money of the country in a short time was double what it had been in 1826, and the increased productions and wealth of the country, promoted and stimulated by the abundance of the precious metals, had since increased the gold in the hands of the public, so that it was calculated to be from £80,000,000, to £100,000,000, at the present time, whilst in Ireland the £1 note circulation had never increased, being always in amount from £2,000,000 to £3,000,000, the gold circulation not being one-tenth of that amount; and this great scarcity of money, having speedily annihilated the many manufactures that existed in 1826, and such scarcity, from the nature of the laws, being continuous and perpetual, all attempts at promoting industrial development through manufactures, unless these laws were changed, must fail. He contended it was expedient to equalize the Money Laws of England and Ireland by prohibiting, after a certain period, the issuing of promissory notes under a limited sum in Ireland. The hon. Member then read at great length the opinions expressed in Parliament in former times upon the question of the abolition of the small note circulation, particularly referring to the debates in 1826-8; to the evidence before the Committee on the Bank Charter Act in 1832; before the Committee on the Bank Acts in 1857-8; and from the Report of that Committee; and from Postlethwaite's *Britain's Commercial Interest Explained*, published in 1757; Jones' *Present State of Kingdoms*, 1772; Wallace's *Essay on the Manufactures of Ireland*, 1798; from Mortimer's *General Dictionary of Commerce and Manufactures*, 1810. The hon. Member then proceeded to say that having given the House these facts and opinions, he (Mr. Delahunty) would conclude by stating that, in his belief, very great benefits would result to Ireland if this Bill should be passed. There were many measures necessary for that country, but the great one of all was that which would give employment to the people in manufactures, and that they could not have without a gold currency; and without it Ireland would not be on a perfect equality with England.

Motion made, and Question proposed, "That the Bill be now a second time."—(*Mr. Delahunty.*)

SIR FREDERICK W. HEYGATE said, he would not follow the hon. Member (Mr. Delahunty) over the elaborate survey with which he had favoured the House, going fifty and even 100 years back, and attributing the whole of the decline which had occurred in the wealth and population of Ireland to causes in which, as they related neither to the Church nor the land, all Irish Members, no matter whether from the North or the South, or to what denominations they might belong, were equally interested. The best thing, however, to do was not to go back over a large number of years; but to examine whether the existence of £1 notes in Ireland had produced, or was likely to produce, any of the evils which the hon. Gentleman had described. It was remarkable that it was not to the amount of the circulation of those notes that the hon. Member objected, but to the fact that the note circulation in Ireland was not limited to sums not less than £5. But surely an objection of that kind could not apply solely to Ireland. Side by side with Ireland was a country which no one would hesitate to say had improved vastly in commerce, manufactures, and everything that constituted the greatness of a country, and yet in Scotland exactly the same condition of things existed—they had a note circulation founded upon the same principles as those which prevailed in Ireland. The hon. Gentlemen had not explained the regulations on which the system was based. The circulation was limited in quantity. Those bankers who had the power of issuing notes could only issue to a certain amount, and he would call attention to this fact—that though there had been in Scotland in one or two instances a failure of banks—while for several years there had not been any in Ireland—the holders of the £1 notes had in every case received 20*s.* in the pound. There was very remarkable evidence given by a great banker as to the comparative unimportance in commercial operations of the amount of the circulation, whether of gold or of notes. Sir John Lubbock had stated that in the transactions of one bank in London £19,000,000 had been received in a limited period, of which £18,395,000 consisted of cheques and bills, only £487,000 of bank notes, and the rest of coin, so that the bank notes and coin together formed only about 3 per cent of the transactions. That would show how much more important a part cheques bore in the commercial transactions of the country than bank notes or coin. He did not understand the hon. Member to allege that in any case the bank note had been depreciated, or that it was anywhere worth less than 20*s.* in the pound. Neither had he complained of their excessive issue. The debates to which the hon. Gentleman had referred on the currency question of 1819 went all more or less upon the supposition that when they went down to a £1 circulation there was an enormous over-issue which had driven out the gold, but it was not added, as it ought to have been, that the £1 note had been depreciated. Nothing of this kind was found now-a-days; neither in Ireland nor Scotland did they find the bank note depreciated; in every instance it bore the same value as the sovereign it represented. He submitted that, though in England it might not be advisable to go below £5, there existed a very good reason why there should be a distinction as far as Ireland was concerned, because in Ireland there was a great number of small business transactions which were very much better carried on through the medium of a note circulation below £5. Indeed, the £1 note stood very much in the same relation to the business operations of Ireland that the £5 note did to those of this country. As to £1 notes driving the bullion out of the country, it should be remembered that the issue of £1 notes or any notes did not immediately send away the whole amount of bullion corresponding to that issue. It could only send away a certain proportion of it, and something like one-third of the amount they were empowered to issue would be kept in the hands of the bankers. Only two-thirds, therefore, of the issue which the banker was empowered to make could be driven out. But, as long as the note circulation was payable on demand and was not depreciated, what injury could be done to a country if two-thirds of that circulation in gold was either sent out of the country to be invested or was invested in the country itself in profitable speculations? All the charges made against the £1 note circulation were charges against bad banking. In Scotland the £1 note circulation, as now prudently limited, was nothing but a blessing to that country. As long as the £1 note was convertible it was every whit as good a circulating medium as a £5 note. He had referred to the prosperity of Scotland, and he would add that Prussia, which had of late years been particularly prosperous, had notes as low in value as one thaler, or 3*s.* When Mr. Wilson, formerly a Member of this House, and no mean authority on this subject, went to India as Financial Secretary, one of his propositions was to issue notes for as low an amount as 10*s.* The hon. Gentleman had spoken of the loss of the cotton and woollen trade of Ireland, but had overlooked the enormous increase of the flax and linen trade. It was very difficult to say what was the cause of the decline of a country, but it should be considered that we were now under a Free Trade system, and that Ireland was unfortunately situated for manufactures, being without natural advantages, and close to England, which possessed those advantages with abundant capital, cheap labour, and great industry. Wherever Ireland had attempted manufactures on anything like equal terms she had succeeded. The United States, Canada, and other colonies repudiated the maxims of Free Trade, which they thought were excellent for a strong and wealthy country where trade and manufactures were established, but were not suitable for countries struggling under such disadvantages that they had no chance whatever in a competition against countries more favourably circumstanced. People in Ireland thought that question was not one to be dealt with by a private Member. It applied as much to Scotland as to Ireland, and if the Government thought the present system required improvement, they ought to take the matter up themselves. For himself, he was much opposed to the Bill as it stood, and also against referring the question to a Select Committee. The circulation of £1 notes was a great convenience to Ireland, and in no part of that country was the alteration now proposed desired. Such a course would diminish prices, and be a reflection on banking institutions which had been better conducted than those in England. The only thing that might fairly be said in favour of the Bill was that at present something in the nature of a monopoly was given to the existing banks. A high rate of interest was one of the evils of Ireland; but, looking at the doubt which surrounded every kind of property in that country, it was not surprising that the rate of interest there should be something like 6 per cent. All the good the hon. Member had done was that he had drawn attention to the subject, and the next time the right hon. Gentleman the First Minister of the Crown brought forward a measure to restrict the issue of bank notes to the State, he would include Ireland and Scotland. When, five years ago, that right hon. Gentleman brought in a Bill to do away with the circulation of the private banks, after compensating bankers who had the privilege of issue, and to provide that the only issue should be by the Bank of England, although he went into the whole case, he did not draw any distinction between £1 notes and £5 notes, or notes of larger amount. The fact that so great a financier then said nothing against £1 notes was a strong argument in their favour. In 1826 there was a great controversy in regard to an attack made by the Government on the £1 note currency of Scotland. Scotland was almost unanimously against such a change, and a famous series of letters then appeared on the subject in the *Edinburgh Weekly Journal*, under the signature of "Malachi Malagrowther," and which were afterwards known to have been written by Sir Walter Scott. Malachi Malagrowther wrote thus—

> "Here stands Theory, a scroll in her hand full of deep and mysterious combinations of figures, the least failure in any one of which may alter the result entirely, and which you must take on trust, for who is capable to go through and check them? There lies before you a practical system, successful for upwards of a century. The one allures you with promises of untold gold, the other appeals to the miracles already wrought in your behalf. The one shows you provinces the wealth of which has been tripled under her management, the other a problem which has never been practically solved. Here you have a pamphlet there a fishing town; here the long-continued prosperity of a whole nation, and there the opinion of a professor of economics that in such circumstances she ought not, by true principles, to have prospered at all. In short, good countrymen, if you are determined, like Æsop's dog, to snap at the shadow, and lose the substance, you never had such a gratuitous opportunity of exchanging food and wealth for moonshine in the water."

To a limited extent what was then said of Scotland was now true of Ireland. In the North, especially where the dependence had not been wholly upon land, a great improvement in the last fifty years had occurred. Trade had increased, wages had risen, and, as a consequence, the people were better clothed, better fed, and they were beginning to be better housed. A steady market was introduced into almost every small town for the production of the district, instead of the system of barter that existed fifty years ago. The present banks had been excellently managed, their circulation limited, their notes secure; and although he did not go so far as to say that no improvement might be made, it was not in the direction pointed to by that Bill. A lower rate of interest, if natural, would be of great advantage to trade, but to effect that they must have first security. The hon. Baronet concluded by moving that the Bill be read a second time upon this day three months.

Mr. ANDERSON said, that, if that had been an Irish question in all its bearings, he should have left the Irish Members to discuss it among themselves; but if the House came to the conclusion that small notes ought to be abolished in Ireland, a proposal to abolish them in Scotland also would probably follow. Such a proposal, if seriously made, would excite as strong an opposition in Scotland as that witnessed when the letters of Malachi Malagrowther appeared in 1826; and the motto of Scotland—"*Nemo me impune lacessit*," would in that case be likely to be put into practice. He did not approve of the Act of 1819. Undoubtedly the resumption of cash payments in 1819 threw upon this country an enormous burden, the burden of providing an immense metallic currency, which England could only obtain by a large amount of exports. That burden had been severely felt, and it would often have been a great relief to this country if she had had a circulation of small notes to fall back upon. In fact, a crisis had been on one occasion avoided by the issue of £1,000,000 of small notes. The hon. Member for Waterford (Mr. Delahunty) had not told them how Ireland—a poor country—was to obtain the gold which was to form her gold currency if his Bill passed. She could only obtain it by buying it with her exports, but she now fully required these to buy food, clothing, and the other articles which she did not produce for her own people, and most of all, those raw materials by means of which alone she could continue her exports. The hon. Member for Waterford said the Act of 1846 was a very serious blow to Ireland, because it restricted the Irish issues; and now that hon. Gentleman wanted to restrict those issues further in order to restore her prosperity. There was no doubt that the legislation of 1846 had created a monopoly of banks, but that monopoly could be easily got rid of without abolishing the small notes. They might allow the banks to issue small notes on the security of Government stock and the like. That Bill, if passed, would rob Ireland of the use of £3,242,000, the amount of her circulation of small notes. It was only with the assistance of her small notes that Scotland had maintained her place in commerce and manufactures by the side of so enormously wealthy a country as England. Scotland was allowed to issue £3,000,000 of paper, of which nearly £2,000,000 were small notes. Much had been said of the metallic circulation in past times. The metallic circulation of England had been variously estimated at from £40,000,000 to £80,000,000; and, therefore, he held that the estimate of £5,000,000 in Ireland, in 1797, was little more than a guess. He had great pleasure in seconding the Amendment on a Bill which ought to be called—"A Bill to rob Ireland for the purpose of making her rich."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Frederick Heygate.*)

Question proposed, "That the word 'now' stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: It is only respectful to the hon. Member (Mr. Delahunty), who has taken so much pains with this subject, that I should give the opinion of the Government on the question in as few words as I can, as the matter is one of great importance, and it is undesirable that any misapprehension should exist in regard to it. To understand what is the question before us I think we had better try and see what it is not. It is certainly not the question of general prosperity or adversity in Ireland. It is not the question between Free Trade and Protection. If it were, I should be glad to break a lance with the hon. Baronet opposite (Sir Frederick Heygate) on the question whether it is really advisable for countries whose state of society, or whose peculiar climate, or other circumstances, fit them rather to be the producers of raw materials than manufacturers, to impose heavy burdens on themselves in order to stimulate the growth of manufactures. [SIR FREDERICK HEYGATE: I only stated a fact.] I think the hon. Baronet went a little further. Nor is this a question of the Money Laws of Ireland. The proposition of the hon. Member for Waterford does not raise the question whether the principle on which bank notes are issued in Ireland is a good one or not. He says nothing against the £5 note circulation of Ireland, which amounts to about one-half of the whole £7,000,000 of note circulation in that country. His observations were strictly limited to the issue of £1 notes; and therefore it would be irrelevant and a waste of time if I were to enter now into various topics which he has introduced, and which in themselves might be well worthy of discussion. The simple question I have to ask myself is whether the hon. Gentleman has shown any reason why we should, under very severe penalties, prohibit the issuing of any more £1 notes in Ireland, where those notes are now issued to the extent of about £3,250,000? Has the hon. Gentleman stated any theoretical objection to the issue of those notes? He quoted a number of authorities, some of whom did not seem to me to see their way very clearly in this matter. He talks of driving the gold out of the country. Now, in the first place, there is no good in itself in a country having a gold rather than a paper currency. The *beau ideal* of a currency would be paper based on gold, in order to save the wear and tear of gold, the gold being withdrawn from circulation and kept as a support to the paper, and the value represented by it. If two farmers have a transaction with each other, it will be of no more advantage to them if it be consummated by the transfer from the one to the other of a piece of gold instead of a piece of paper, provided always that the piece of paper represents the value of the transfer. It is a mere superstition that there is any advantage in doing business by means of gold rather than paper. On the contrary, there is an obvious disadvantage in it; and that disadvantage is that gold is a most expensive luxury, and we are paying, or will shortly have to pay, dearly for the luxury of a gold circulation. I put aside that argument, therefore, as having no bearing on the question. What, then, is the objection to a £1 note circulation that would not apply to a £5 note, or any other note circulation? Of course, a £1 note circulation requires to be guarded like any other note circulation. And it must be guarded in these ways —It must be convertible into gold, which is the case in Ireland. It must be limited in amount, which is also the case in Ireland. It ought to be based on sufficient security. I fear the security is not sufficient in Ireland; but that insufficiency does not in the least apply more to the £1 note than to the £5 note circulation of that country. Of the three requisites for a good currency, then, the £1 note currency possesses certainly two; and the part of the note currency which the hon. Member does not propose to touch has not the third requisite any more than the other part which he does touch. Therefore, on theoretical grounds, I see no reason for objecting to the £1 notes, And I say, further, that if we are going to assimilate the circulation of Ireland and England, I think we should do more wisely by imitating Ireland than by making Ireland imitate England; because the state of our gold currency is at this moment lamentable. According to the best information which has been given to me by the responsible officers of the Government, 31½ per cent of the sovereigns and 47 per cent of the half-sovereigns in circulation are deficient in weight; and a cost of £400,000 will be entailed in calling in and re-coining that light coin, which would be saved if pieces of paper were made to do the work of gold. Therefore, I have not been able to understand that any argument can be adduced against £1 notes, except, perhaps, their liability to forgery; but the improvements in the manufacture of those notes render their successful forgery almost impossible. I say, then, there is nothing that makes it right, wise, and proper to issue notes representing five sovereigns which would make it wrong, foolish, and improper to issue notes representing one sovereign. The question, then, reduces itself to the practical one of what good we shall do by adopting this proposal. And, first, let us consider the feeling of the people in the matter, because it is very odd that though the currency is the driest, and apparently the most repulsive of all subjects, there is no other subject with which caprices and prejudice have so much to do. I will give an instance of this. The Australian sovereign has a good deal of silver in it; it has a pale and yellow appearance, and is disliked in this country, where people like to have sovereigns of a reddish rather than of a pale yellow colour. But in India, on the other hand, the Australian sovereign is most readily exchanged, because the old gold mohur of that country has exactly the same sort of alloy in it, and closely resembles it in appearance. That shows how much habit, prejudice, and even caprice influence the circulation of different kinds of money. There is no doubt that in Ireland the feeling is that the £1 note is better than a sovereign, and I understand that in out-of-the-way parts of that country they take 6*d.* off the sovereign in giving change. [Sir FREDERICK HEYGATE: 1*s.*] A note also suits the hoarding habits of many of the Irish people better than a sovereign. Therefore, we should be doing great violence to the feelings of the poorer part of the population, by whom £1 notes are liked, if we were to stop their issue; and we ought not to give offence to the people, unless we are to gain some clear good; whereas, in this case, you would gain no good whatever. Moreover, by the hon. Gentleman's proposal, you would, at one blow, restrict the total note currency of Ireland by the sum of over £3,000,000, the result of which would be most harsh and cruel. Its effect would be to reduce prices enormously. The money that remained in Ireland would have to serve for all the business that is now done there, in place of this £3,000,000. Therefore, the power of every piece of money would be proportionately increased as a purchasing agent; there would be a consequent fall in prices; and misery and distress would be caused to the persons who, having produced under one state of prices, afterwards found their commodities artificially lowered in value. And what would be the limit of that fall in prices? It would go on until it became worth people's while to send gold to Ireland to re-place the notes that had been cancelled. The exports of Ireland would be taxed, and profits diminished or annihilated until the £3,000,000 and upwards withdrawn from circulation had been purchased back. And that is the manner in which we are asked to benefit Ireland, at a time, too, when every Gentleman who rises to speak complains of her poverty! That is a course of proceeding to which I am sure Her Majesty's Government will never give their assent; and I think it is also perfectly certain that the House will not adopt it. If I might offer the hon. Gentleman advice, I would recommend him, as there is plenty of other business on the Paper, to allow the House to proceed to something more practical.

MR. BLAKE said, he hoped the question before the House would be referred to a Select Committee.

SIR JAMES ELPHINSTONE said, that, as the Session had, up to the present time, been almost wholly occupied with Irish questions, he thought this subject of £1 notes ought not to be allowed to stand in the way of the House proceeding with other matters of great importance which were awaiting discussion.

MR. PIM said, that after the speech of the Chancellor of the Exchequer, with which the people of Ireland would be highly satisfied, he was also of opinion that the subject ought not to occupy the House any longer. Hardly any of the people of Ireland, he might remark, were in favour of the plan proposed by the hon. Gentleman (Mr. Delahunty).

MR. DELAHUNTY, in reply, said, that his arguments and statements were not met or refuted by any of the hon. Gentlemen who had spoken against the Bill. The Chancellor of the Exchequer had, on his own part and in the name of the Government, given expression to the opinion that it would be more proper to issue £1 notes in England than to abolish them in Ireland. This was a startling proposition, and it took him by surprise, as it was directly opposite to the legislation thought right by all the great statesmen of England; contrary to the expressed opinions of the highest economic authorities, from Adam Smith down to the present day. He had read to the House the opinions of the great statesmen who advocated the abolition of the small note circulation, which contrasted so strongly with the legislation suggested by the right hon. Gentleman the Chancellor of the Exchequer. He preferred the legislation of the great statesmen, which had worked so well for England. It was true that it was not perfect; it might require some amendments, but he could not believe in the radical change proposed. As, however, the right hon. Gentleman had given it as his opinion and that of the Government that they would prefer a return to small notes in England to their abolition in Ireland, he could only say, that as his great object was the enactment of equal laws for both countries, and as the course proposed would secure legislative equality, he would not persevere with the Bill, but withdraw it. He was of opinion that the right plan would be to raise Ireland to a level with England, but of course he could not object to the proposition of the Chancellor of the Exchequer, which was to lower England to the level of Ireland; the effect would ultimately be the same, for whatever legislation took place, if applicable to the United Kingdom, it would be sure, if wrong, to be amended, and Ireland, having the advantage of such amendment, would prosper equally with England. With regard to the remark of the Member for Dublin, he would only say that the hon. Gentleman knew nothing of the feeling of the Irish people on the subject.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

## MEDICAL OFFICERS' SUPERANNUATION (IRELAND) BILL—[BILL 48.]

*(Mr. Brady, Mr. Pim, Mr. Trant Hamilton.)*

### SECOND READING.

Order for Second Reading read.

MR. BRADY, in rising to move that the Bill be now read a second time, said, he considered it a most useful measure, and one certain to be followed by beneficial results. At present the medical officers of the Poor Law in Ireland were as efficient as any similar class in Europe, but that state of efficiency could not be maintained unless a system of retiring pensions were established. He wished the medical officers of the poor to learn to look upon their appointments as permanent ones, and not merely as stepping-stones to something else. Under the Medical Charities Act of 1851, Ireland was portioned out into 716 dispensary districts, containing 1,038 dispensaries, and to those districts 785 medical men were appointed. These districts sometimes contained from forty to sixty square miles, so that the medical men had often to travel six or seven miles in order to see a patient. They were not eligible for appointment until twenty-three years of age, and they were not allowed to take any other public office, such as a coronership. In 1861 it was further ordered that no one should be entitled to hold such an office unless he had three qualifications—in surgery, midwifery, and medicine. The qualification had been continually increased, but there had not been any increase of salary. A few years ago a man could enter the Army if he were either a physician or a surgeon; and, in order to induce men of ability to enter the Army, they had to raise the status and remuneration, besides allowing the officers to practice, and enabling them after twenty years to retire on a pension of or over £300 a year. The Poor Law medical officers of England, who were paid 6*s.* 6½*d.* for each patient, were only required to have two qualifications; while the Irish Poor Law medical officers, who had three qualifications, got only 1*s.* 4*d.* for each patient. Their duties were of the most arduous nature. They were bound to attend to the poor either at the dispensary or at their own places, and attend any Bridewell or House of Correction in their districts. They had to attend at all times on the order of the red ticket sent by the guardians, irrespective of any practice of their own, on peril of being displaced. They were exposed to great risk of contagion in visiting the sick poor. In one epidemic 10 per cent of the medical men perished. Each Irish medical officer had 7,400 persons in his district, and in 1867 they attended more than 900,000 men and women, or one-sixth of the entire population. The whole rural population of Ireland was, indeed, dependent upon them for medical relief. In proof of the benefit which their services were to the community, and the fidelity and fortitude with which they discharged their duties, he need only allude to the figures given in the last Census Returns. It appeared that the number of deaths from fever in the ten years preceding 1841, was 112,072. In the decade ending in 1851, which was a calamitous period for Ireland, there were 222,029 deaths from fever; whilst in the ten years ending 1861, after the passing of the Medical Charities Act, the number of deaths from this cause was only 48,315. This marked decrease was unquestionably due, in a great measure, to the self-sacrificing efforts of the Poor Law medical officers. In 1841 the deaths from epidemic were 357,249; in 1863, the numbers had been reduced to a little more than 189,000. In the ten years, preceding 1841, there were 58,000 deaths from small-pox. In the ten years before 1861, 12,000 deaths only occurred from this cause; and in the year 1867 only twenty deaths. This was what had been done by the medical men of Ireland. Well, what was their remuneration? There were 867 of these medical men in Ireland, paid, on an average, £90 each per annum, which was about 1*s.* 8*d.* for each case attended in the rural districts, and only 4*d.* for each case attended in the towns; that was, supposing an ordinary disease to require four visits, the medical officer received 5*d.* for each visit in the former case, and 1*d.* in the latter. In fixing the rate of pay the guardians took into consideration what the medical men might obtain in other ways. In England the payment made by clubs for medical attendance was from 4*s.* to 5*s.* per head; in Ireland it was but 1*s.* 8*d.*; and, whereas in England the medical officer had only to attend heads of families, in Ireland the children had to be attended as well. The average number of persons attended by the medical men in Ireland was 1,212, which, at 4*s.*, would amount to £250, showing a balance of £160, which either went to the guardians or to the Government, and the gross amount saved by under-paying these gentlemen in this way was £125,000. It was objected to this Bill that the poor rates were already too high. That he admitted; but there could be no better means of reducing rates than securing the health of the people. Dr. Wallace stated before a Committee of that House that 72 per cent of pauperism arose from illness.

He must also complain that there was no such thing as a holiday allowed to the medical man. If he took a holiday he was compelled to find a substitute; and, even if he were laid up with illness, in many cases he was compelled to pay for his substitute. This was extremely hard, and he thought the Poor Law Board ought to take the medical men into their own hands, and rescue them from the Poor Law Guardians. It was of the utmost importance that the medical attendants of workhouses should be liberally dealt with; for, without the most skilled medical attendance in workhouses, the diseases of the poor might spread to the residences of the rich, and the wealthiest might thus suffer from the neglect of the poor. In looking at this question he admitted that he was interested in the profession to which this Bill referred, but he was still more interested in the welfare of the community at large. He proposed that the Poor Law Guardians should be empowered to tax the rate-payers with the view of providing for the medical officers a superannuation allowance, and the men who supported this measure were above all selfish considerations, and promoted it for the good of the country. The hon. Member concluded by moving that the Bill be now read a second time.

MR. PEEL DAWSON seconded the Motion. The proposal of the hon. Gentleman appeared to him to be entitled to support on the double ground of generosity and justice, and he thought that little harm could be done by giving to Boards of Guardians a permissive power to superannuate their medical officers after twelve years' service. From what he knew of the Boards of Guardians in Ireland he was certain that it would not be attended with any risk of abuse. He had heard the late Secretary for Ireland (the Earl of Mayo) say that this was a question entirely for the Irish Members, and that if there was a majority of Members for it, that ought to be a guide for the action of Government. Now Lord Mayo was a valuable authority on Ireland, only equalled by that of the present Secretary, who was also a resident proprietor, and he trusted the Government would be guided by his opinion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Brady.*)

MR. W. H. GREGORY said, this Bill was not framed upon the measure which was brought forward last year. He had been compelled to move that that Bill be read a second time that day six months; but he was glad to find that he was relieved from that unpleasant duty in the case of the present Bill. He grounded his support of the Bill not so much on justice as on public expediency; as he believed it would be for the benefit of the poor and of the public in general, that these superanuations should be given, because it would attract a higher class of medical practitioners to discharge the duties of these offices, and the poor themselves would be benefited by being attended by medical officers of the highest standing. But he hoped though this Bill were sanctioned it would not be drawn into a precedent, and that it would not be understood that any medical man in Ireland, no matter what the nature of his practice might be, should hereafter be quartered on the rates. Some alterations in the Bill would be required in Committee, but he gave his hearty support to the second reading.

MR. SYNAN said, this matter ought to be discussed in three aspects; first in relation to the poor; second, to the guardians; and third, to the medical officers themselves. He might say there was a fourth aspect, namely, its relation to the Government; for he found that part of the salaries of the medical officers were paid out of the rates, and he supposed that part of the superannuation funds would be so too. With respect to that he was of opinion that there should be some limit on the standing of the medical officers before they were entitled to the superannuation, and his hon. Friend the Member for Leitrim (Mr. Brady) was, he believed, willing to make ten years' service a necessary condition. Now, with regard to the poor, it would not admit of question that the interests of the poor demanded that the best medical service should be provided for them. With respect to the interests of the rate-payers, it was their interest, by the employment of a good medical officer, to reduce the amount of disease. It was for the interest not only of the poor but of the middle and wealthy classes that an able medical man should be settled in the district, and no possible harm could arise from his having a private practice, as he was always ready and would have to obey the orders of the Poor Law Commissioners. To speak of his not devoting the whole of his time to the public was to quibble about words. The practice of the medical officers retaining their private practice might be defended on account of the smallness of their salaries, as well as because few medical officers were to be found in the country districts of Ireland, and it was desirable that medical men should obtain varied and full experience. On behalf of the medical men he must urge that they were fully entitled to the demand that was now made in their favour; and on all these grounds he hoped the Government would give their support to the Bill.

Sir JOHN GRAY said, he hoped the Government would not oppose the second reading of the Bill upon any technical ground, but allow it to go into Committee, and there receive such Amendments as might be thought necessary. The hon. Member for Limerick (Dr. Brady) was quite correct in stating that, if the Government opposed, it would be useless to press the Bill forward, for in form and structure it was in the nature of a Money Bill, and should technically have originated in Committee. The objects of the Bill were, however, so just and equitable, so universally approved by the Irish Members, and so advantageous to the best interests of the community, that he could not believe any advantage would be taken of the informality. If the Bill were merely to affect the financial status of the members of the medical Poor Law staff, he would hesitate to support it; though even, on that single ground, it was just and equitable. The results of the adoption of the measure would be, however, of far more importance to the country than to the medical staff, and of quite as much interest to the rich as to the poor. To the community at large it was important that the conditions of medical service should be such that men of a superior class would accept the positions of medical officers, and that the men engaged in the public service would not be at all times haunted with the apprehension of being overtaken by want in old age. The labours of the medical staff were so forcibly dwelt upon by his hon. Friend the Member for Leitrim that he (Sir John Gray) need not discuss them, but he would ask the House to remember that the service was one of peculiar risk, and that the duties were often performed at the hazard of life. He knew one case in which the medical staff of a town attacked by an epidemic consisted of twelve, and of these eight were struck down and died of disease caught during the discharge of their duties. It was the direct interest of the community to give proper encouragement to men of honour, of skill, and of humanity, to enter on the duties of a profession so encompassed with danger. But, above all, it was their interest that the medical officers of the district should be men of real skill as well as men of moral courage, for the Poor Law officer was, in many rural districts, the only medical practitioner in the district; and every resident in such a district, be he rich or be he poor, ought to feel anxious as to the competency and skill of the individual to whom was entrusted the health and lives of them all. He would go farther, and say it was the duty of the Government to assist in securing for the community the services of an able and competent medical adviser in every district in the country, and to the non-performance of that duty might be traced much of the pauperism that prevailed. If the medical practitioner were unskilled or incompetent, the result would be death in many cases, and impaired strength and vigour in many more If the bread-winner be struck down, and if an incompetent medical man be called in, the probable result would be that the bread-winner would succumb either to the doctor or to the disease. The widowed wife would be left destitute, the children would be pauperized, and wife and children would become permanent burdens on the rates. It was the interest of the rich, too, to secure the presence amongst them of an efficient practitioner, and this Bill tended, in a considerable degree, to secure such a man, by enabling the guardians to superannuate a medical officer when no longer equal to the work to be done, instead of retaining him when effete, as the only alternative to his becoming as destitute as the paupers he had under his care. He supported the measure, then, as much in the interest of the community as in that of the medical officers—as much in the interest of the rich as of the poor; for the medical officer who had official charge of the poor was, in all the country districts, the only man accessible to the wealthy who resided within the district. It was rumoured that Government would oppose the Bill, on the plea that the medical officer was not a civil servant, inasmuch as he did not, like other civil servants, give up his whole time to the public service. Now, the assertion that civil servants who gave up all their time to the service of the public were the only persons entitled to retiring allowance was not in accordance with the facts; and he saw no reason why one rule of civil service should be applied to the members of one learned profession and another rule to those of another equally learned profession. We had three professions called learned—the Church, the Law, and Physic. Compare the manner in which the members of these three professions were treated. The Church, though it had no retiring allowances, had its great prizes of £5,000, £10,000, and £15,000 a year, and which were held by the fortunate possessor up to the day of his death. The Law also had its prizes—its Chancellorships of £10,000 and £8,000 a year, which entitled those functionaries, though they might have held their offices only a month, to retiring pensions of £5,000 or £4,000 a year; there were Vice-Chancellors, Chief Justices, Judges, all of whom were entitled to retire on pensions after certain periods of service. But take especially the Chairmen of Counties in Ireland—they had salaries ranging from £600 to £1,300 a year; their duties consisted in acting as County Judges for a few weeks in each year, and for the rest of the year were free to seek private business, and each was entitled to a fixed retiring annuity. The medical officers worked 365 days a year on miserable pittances; surely they were entitled to the same consideration as the County Judges. Did not the medical man confer as much service as a civil servant on the community as did those petty Judges? Was he less learned, less charitable, less humane, less attentive to his duties? Yet, one was a civil servant, highly paid and entitled to a superannuation, though he devoted about 340 days in the year to himself and the remnant to the public; while the member of the other profession, equally called learned, was declared not a civil servant, because he did not give the entire of every day to the public, and, therefore, not entitled to a retiring allowance when old age, or sickness, or injury, received in the discharge of his duty, might disable him from earning his bread. The hon. Member for Limerick (Dr. Brady) had complained that Poor Law medical officers must have three diplomas or degrees, while two only were required in the medical service of the Army; and also that the Poor Law officer must be twenty-three years of age before he was permitted to hold an appointment. But the Army Board required the candidate to have two certificates as a necessity, but would not admit him to physic a corporal's guard until they had tested his acquaintance with disease and his knowledge how to deal with it. But, since this subject had been introduced, he (Sir John Gray) would take the opportunity of saying, and would say, without hesitation, that the Government—he did not mean the present Government—he meant all the Governments that existed in this country for the past thirty years—had most grievously, most grossly neglected their duty to the community in not securing a sufficient test of the fitness of a candidate for medical or surgical degrees, before the health and the lives of the community are handed over to a man, as is often the case, who is an ignorant and incompetent pretender. It was the duty of Government to protect the public against the possibility of a man, who knew nothing of disease, being licensed to practice. That duty had been grossly neglected, and he now asserted, without fear of contradiction, that a man who never felt a human pulse, who never opened a vein, bandaged a limb, or prescribed for a patient, might, and often did, receive a medical and surgical degree authorizing him to practise the medical profession. He knew hon. Members would be startled by the statement, and that they would probably conclude that, inasmuch as there are Colleges of Physicians and Colleges of Surgeons to regulate the granting of licenses, and a great Medical Council to regulate the education and examination of candidates for the medical degrees—the statement he had just made, that a man utterly unacquainted with disease could obtain a license to practise, and be registered under the Medical Council—was one that could be made only by a man just escaped from Bedlam. Yet it was true —it was no exaggeration even of the truth. The late Sir James Graham attempted to grapple with the evil; but he had to succumb to the chartered bodies whose privileges he attempted, needlessly, to invade. A noble Lord, now a Member of the House (Lord Elcho), tried to effect a change in 1856; and another hon. Member, who held the Office of Chief Commissioner of Works under Lord Palmerston (Mr. Cowper), carried, in 1858, the Act referred to by the Introducer of this Bill. These several attempts to legislate were based mainly on the evidence and on the opinions of eminent medical men, some of whom stated before a Committee of this House that neither the course of study nor the mode of examination was sufficient to secure practical knowledge. The object of the appointment of the Medical Council of 1848 was to secure a high standard of education; and to ensure that the candidates were taught up to the highest point of modern science and practice, by ensuring the efficiency of teaching and examination. He regretted to say that the Council had not fulfilled these duties, and that the examinations as to the candidate's knowledge of disease—his acquaintance with disease—was as much a sham and a delusion as it was the day the Council was first formed. When a man was sick he did not want a doctor who could give him a first-rate lecture on botany—he wanted the aid of a man familiar with disease—a man to whom all the features of ordinary disease were so familiar that he would not fail to recognize them, and who would be as prompt to combat the symptoms and beat them back as he was to recognize the peculiar malady which afflicted his patient. That was the medical practitioner whom the sick man required, and no matter what the scientific attainments of a candidate for a license to practise might be, he ought not to be licensed to tamper with the health or with the life of the poor or of the rich—of any human being—till he had been so tested by his examiners as to satisfy them that he was intimately acquainted with all ordinary forms of disease, and capable of recognizing them when presented to him. Every man of ordinary intelligence will see that committing to memory the names of diseases and the description given of them in the books, and making the acquaintance of the symptoms in the hospital ward or in the dispensary are two very different things. But a man might walk the hospitals for years and not know the features of disease as he would those of a friend or of any enemy He had recently accompanied Sir William Jenner through the hospital in which he practised, and afterwards asked Sir William to explain the small degree of attention which the students paid to his able and careful explanations. The reply was—"A man does not want hospital practice in order to pass;" and at a meeting of the Medical Teachers' Association, held in Dublin, presided over by Sir William Jenner, the inefficiency of the present examination was prominently dwelt upon, and the fact noted that the only test consisted of mere certificates of hospital attendance, and mere answers from memory to certain questions, without any practical bedside examination. But it might be asked—"Are not the present examinations very severe, and are not many men rejected? No doubt they were, in some respects, very severe, but those respects were chiefly as to knowledge of the accessory sciences—they were not examinations as to a man's knowledge of disease, and many men who were not able to distinguish one disease from another were passed these examinations with *éclat.* But a good "grinder" would post him up in all the necessary knowledge in six or eight months. Students were now taught by grinders in their snug studies to answer questions like parrots; and the fees paid for these services ranged from twenty to ten guineas, according to the difficulty of the examinations as to the memory of words and names. The grinder's fee for passing a man through the Dublin College was, he understood, twenty guineas, for London fifteen, and for some of the Scotch degrees ten. But as regards London, the London degree, for which fifteen guineas only was charged, it was but just to observe that it was for the license to kill and not for the license to cure that this fee was charged. He would give an illustration of the practical effect of the present system of examination. A man seeking a Poor Law appointment had a surgical and medical degree, but not an obstetric degree, and was therefore not qualified. He attended an obstetric hospital, "crammed" the subject, and in about three weeks presented himself for examination. His answers were so much to the point that the examiners perceived that he had been "ground," and therefore tried him on new grounds. He was asked what he would do in a certain difficulty. He said at once that he would bleed. "But," said the examiner, "if there were constitutional or other causes to contra-indicate bleeding, what would you do?" "I would give her tartar emetic," was the reply. "How much?" "Sixty grains," was the answer. "Just think," said the examiner; "you know what tartar emetic is?" "Oh, yes—tartarized antimony of the Pharmacopœia." "Well, then, what dose would you give now?" The answer was—"Perhaps sixty grains would be too much to give at once; I would put sixty grains in a six-ounce mixture, and give an ounce of that occasionally." Now the dose is about the eighth of a grain, and if this medical man with his two degrees—a registered practitioner under the Medical Council—a man entitled to write ten medical letters after his name—met in practice the very ordinary and frequently arising difficulty indicated—if the patient were rich or poor—the inmate of a poorhouse or the wife of the most exalted—she would assuredly die. If a lawyer made a great mistake in the conducting of a case, there was a Court of Appeal which might rectify the error; but if a licensed practitioner, who was as utterly ignorant of disease as was this ten-lettered doctor, gave eighty or ninety doses at once, death carried away the victim of his ignorance, and there was no Court of Appeal to restore the patient to the circle of friends who mourn over the dead, but know not the hand that gave the fatal blow. To this he wanted to call public attention, this he wanted to force on the Government, and in this he hoped the House would aid him.

MR. CHICHESTER FORTESCUE said, the hon. Member (Sir John Gray) had made a statement of a very formidable character, containing facts which were enough to make us all tremble when we called in a member of the medical profession. The House would not expect him to follow the hon. Gentleman into the various statements which he had made, which, no doubt, would one day demand the attention of Parliament. With respect to the Bill before the House, his main objection to it related to the manner in which it was drawn. In his view, it should be a simple extension to the medical officers of unions of the Irish Poor Law Superannuation Act of 1865. He admitted that the case of these officers was one of a peculiar character, and in its bearing on the well-being of the poor, was deserving the consideration of that House. No doubt cases arose in which the guardians found themselves unable to make up their minds to discharge an old public servant without some adequate provision, and the consequence was that the poor were sometimes left in the hands of infirm and inefficient persons. Upon the whole he had come to the conclusion that there were sufficient reasons for giving a discretionary power to the Boards of Guardians, enabling them to superannuate the medical officers upon the same conditions as those upon which they superannuated other public servants. According to the Act of 1865, no officer was entitled to superannuation allowance on the ground of retirement who was under sixty years of age, and who had not served as a union officer for twenty years. It was only on the understanding that that course would be taken in Committee that the Government could assent to the second reading of the Bill. As to any contribution on the part of Government, no grant for superannuation was made in the case of England; and until the general law was changed in that respect, the same rule should prevail in Ireland.

MR. DOWNING said, he was glad that the Government had accepted a measure which would enable Boards of Guardians to discharge a duty which they had long felt was one due to the medical profession.

LORD CLAUD HAMILTON also expressed gratification at the general tone of the observations of the right hon. Gentleman the Secretary for Ireland.

MR. AYRTON said, that so far as the Treasury was concerned the question stood thus—The principle of the superannuation of local officers was first introduced in reference to England. The medical officers were excluded. A similar measure was afterwards introduced with respect to Ireland, and the law was exactly the same with regard to the two countries. The House under that law had been in the habit of voting one-half the expense of medical officers. That Vote, however, did not include any charge on account of superannuation. It would be necessary to confine the Bill exclusively to the action of the local authorities on local rates, which were the funds at their disposal, and he did not think there would be any difficulty in settling it in that form.

MR. BRADY said, he was satisfied with the explanation of the Chief Secretary for Ireland.

Motion *agreed to.*

Bill read a second time, and *committed* for *Tuesday* next.

### GAME LAWS (SCOTLAND) BILL—[BILL 32.]

(*Mr. M'Lagan, Mr. Fordyce, Mr. Orr Ewing*)

[MR. M'LAGAN.] SECOND READING.

Order for Second Reading read.

MR. M'LAGAN, in moving that the Bill be now read the second time, after referring to the other Bills now before the House on the same subject, said, he would not waste the time of the House in proving what was generally admitted—that there was a general and wide-spread dissatisfaction on the game question among the tenantry of Scotland. That discontent was not of recent origin—for it arose with the enactments of the Game Laws themselves, which were founded on the worst kind of legislation—class legislation. The evil complained of was the damage done to crops by an excessive number of hares and rabbits. The proximate cause of the evil was the over preservation of game generally, and the ultimate cause is the protection afforded to these animals by the Game Laws. Several remedies for the evil had been proposed; but he believed that if the proprietors would concede to the tenants an equal right with themselves to kill hares and rabbits there would be an end of the dissatisfaction, and the services of the gamekeeper might be altogether dispensed with; for there was no doubt that if that were done the tenants would be upon their honour to have a fair head of game upon their farms, so that landlords would never have to complain of a bad day's sport from the want of game. But as he did not think the proprietors were sufficiently educated up to the point which would enable such an arrangement to be made, he would shortly remark on the different remedies proposed for the evil. The first proposal was that of the noble Lord the Member for Haddingtonshire (Lord Elcho) that the tenant should have authority to kill hares and rabbits, unless there should be an agreement between him and the landlord to the contrary; the other was that of the hon. Member for the Wick Burghs (Mr. Loch), that the tenant should be authorized to kill hares and rabbits nothwithstanding any agreement to the contrary. It appeared to him (Mr. M'Lagan) that the first of these measures, while it respected the rights of property, would confer no real benefit on the tenant, and that the other would be a flagrant interference with the rights of property, and would be found practically inoperative. The proposal of the noble Lord was, in effect, an assimilation of the Game Laws of Scotland to those of England; but, in England, the Game Laws had been found wanting, and the complaints of game preservation were as rife there as they were in Scotland. As to the proposal of the hon. and learned Member for Wick, to do away with the private agreements between landlord and tenant in respect of game, he (Mr. M'Lagan) held that it was a violation of the rights of property; for if the landlord could get a larger rent from his tenant by conveying to him the right to kill the game on his land, why should the Legislature interfere to prevent the landlord and tenant entering into such an arrangement? The reason alleged for this interference was that such agreements were contrary to public policy; and he admitted that if there was such an abuse of the rights of private property as amounted to a public nuisance, the Legislature had a right to interfere; and he also admitted that the over preservation of game was contrary to public policy, and was a nuisance. But in this country we were very jealous of the security of property, and before the Legislature could consent to such an interference with the rights of property, they would require to be satisfied that the nuisance—if the over preservation were a public nuisance—could be abated in no other way. But in this case they had the remedy at hand. The evil complained of was the over preservation of game. This was not occasioned—or only in part—by private agreements in leases

—the real cause was the Game Laws. The real remedy then lay in an extensive modification of those laws. He now came to the fourth proposal—that which was contained in the present Bill. The distinguishing feature of his proposal from the others was that by it hares and rabbits were struck out from the game list—that hares and rabbits were no longer game within the meaning of the Game Acts. In thus abolishing the main cause of the mischief, of which the farmers of Scotland so strongly complained, he believed that he would put an end to the mischief itself. The great objection he had heard urged to the measure was that it would be only too efficient, and that it would lead to the total extirpation of hares and rabbits. But he did not think it would produce such a result. He had no doubt that it would tend greatly to reduce the number of hares and rabbits; but he felt persuaded, at the same time, that it would leave a sufficient number of them for the purposes of legitimate sport. Another objection made to the Bill was that it would interfere with the rights of property. But he did not see how it would do so, further than many other changes in the law which necessarily interfered with private arrangements; and without such interference, no social or economical reform would ever be possible. Again, it was said, that the Bill would encourage trespassing on land; but, in reply to such an argument, he had to observe, that the measure would leave unaltered the existing law of trespass in Scotland. Finally, it was urged that the Bill would hold out an inducement to poaching; but he did not understand how it would be attended with any such effect, because it would tend greatly to the diminution of hares and rabbits, and, so far, it must necessarily lessen the temptation to poaching. By one of the clauses of the Bill the trial of prosecutions under the Game Laws would be transferred from the justices of the peace to that of the sheriffs of the county, and that would, he thought, be a reasonable change, inasmuch as the sheriffs were better qualified than the magistrates, by their legal training, and by the greater impartiality of their position, for such a duty. The Bill further proposed to abolish, what was really an anomaly in our legislation—the cumulative penalties under the Game Acts. By another clause in the measure prosecutions for damage done to crops by game would be finally decided by the sheriffs, and would not be allowed to be taken, as at present, from one court to another until they ultimately reached the House of Lords. Under the latter system an immense expense would have to be incurred, and the consequence was, that tenants were deterred from seeking the redress to which they believed they were entitled. He had to observe that, although he then moved *pro formâ* the second reading of the Bill, he was entirely in the hands of the House with respect to its future progress. He had been very glad to hear the other day that the Government meant to deal with the whole question next Session; and he trusted that, in redeeming that pledge, they would introduce a Bill which would not say one thing and do another, and that they would give effect to the opinions which had been so generally expressed by the tenant-farmers of Scotland upon the subject.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Lagan.*)

Mr. FORDYCE supported the Motion for the second reading, though he admitted that the expectation of legislation on the part of the Government with respect to the subject was fatal to the further progress of the Bill during the present Session. He thought the course proposed by the Government would be more acceptable to the people of Scotland than a protracted inquiry by a Committee. The great recommendation of the present Bill, to his mind, was that no objection on the point of principle could be taken against it. It did not in any way interfere with the law of contract, but merely removed the protection that had hitherto been given by the statute law to certain descriptions of game. He thought that in England we were not sufficiently impressed with the feeling that existed in Scotland upon the game grievance. In some counties it had given rise to a state of social warfare, and he earnestly hoped the Government would, early next Session, deal with the question by a measure to which they could give undivided support.

Mr. M'COMBIE said, that as the Government had agreed to bring in a Game Bill for Scotland, he hoped they would make it such a measure as the tenant-farmers could accept. For his own part, he stood by the Aberdeen Resolutions—namely—

> "That any measure to be regarded as a settlement of the question must provide that not only the occupiers of arable farms have the right to kill hares and rabbits, but also declare all contracts for their preservation illegal and contrary to the public good."

Representing, as he had the honour of doing, a division of perhaps the largest cattle-breeding and cattle-feeding county in Britain, where turnips, to which hares and rabbits were especially destructive, were extensively grown, he must say for his constituents, that they would never be satisfied till the Game Laws, root and branch, were swept from the statute book.

Sir JAMES ELPHINSTONE said, that this game question was one of the greatest impostures that ever came before the House. Some hon. Members owed their seats entirely to agitation on this subject, and thus were obliged to bring in Bills without any earthly idea of passing them; they only advanced them to a certain stage and then let them drop. It was perfectly impossible for private Members to legislate on this subject. Legislation upon it must proceed from the Government. Proposals had been made in one of these Bill of a most profligate description. ["Oh!"] He used that language advisedly; for when a tenant-farmer had signed a lease with his landlord containing certain provisions, it was proposed that by the law of the land the provisions so made were to be nugatory. If that was not profligacy he did not know what was. If there was to be any legislation on the subject it must be preceded by a Royal Commission; and if that was granted, to inquire into the operation of the Game Laws both in England and Scotland, great exaggeration would be shown to prevail on the subject. This was altogether a political agitation, got up by agitators and certain editors of newspapers. The whole thing was a fiction. The hon. Gentleman proposed to withdraw poaching cases from the jurisdiction of the magistrates. No such case could come before a magistrate on whose land it occurred, as in those cases they always withdrew, and it would be unadvisable to deprive the country gentlemen of Scotland of those duties which the same class perform in England. The jurisdiction of the Sheriff's Courts in Scotland had been already carried too far. If any legislation was to take place in regard to game, it must be applied to both countries—he had no idea of one law applying to one part of Her Majesty's dominions and not to another. The question, if dealt with at all, ought to be placed in the hands of the Government to be dealt with as an Imperial measure.

Sir D. WEDDERBURN said, that the Home Secretary, being the representative of a Scotch constituency, could not be unaware of the feelings of the Scotch tenant-farmers on this subject; but there was a growing opinion that these Bills had been shelved in spite of the pledges given on the hustings. They had heard from some who were nominally supporters of Game Law Reform, that no legislation should take place until a Royal Commission had reported on the subject; and he thought it might be worth the consideration of the right hon. Gentleman whether such a Commission might not now be appointed, in order that, during the holidays, the question may be inquired into, otherwise it might be alleged, when the subject came on for consideration next Session, that neither Parliament nor the country had sufficient facts before them to warrant legislation.

Mr. SINCLAIR AYTOUN said, it was perfectly useless for private Members to attempt to bring in Bills upon this subject: neither did he think that a Royal Commission was needed. The Government ought to take this question up; but he feared there was some misunderstanding as to the intention of the Government. On a former occasion his right hon. Friend the Lord Advocate expressed himself in a manner which led him to believe that after the Whitsuntide holidays the Government would express their intentions upon this matter, and whether they intended to bring in a Bill or not next Session. But that, it seemed, was a mistake. Since then the Home Secretary did make a guarded engagement that the Government would bring in this Bill, but it was so qualified that it came to nothing. Now, it is perfectly clear that if the Government did not bring in the Bill, legislation on the question was totally impracticable. He thought it therefore incumbent on the Government at once to declare unconditionally whether they would bring in a Bill or not.

THE LORD ADVOCATE said, he had intended to make some observations on the general question; but, as the hour would not permit that, he would simply say, in reference to the question of his hon. Friend (Mr. Aytoun) that on a former occasion he had suggested that the debate on these different Bills should be adjourned till after the Whitsun Recess, and that their promoters should consider whether they would not leave the matter in the hands of the Government with a view to legislation by the Government next Session. Since that time the question had been put to his right hon. Friend the Secretary of State for the Home Department, who gave an answer to the effect that the Government would consider the matter — as they were bound to do—very seriously with a view to legislation by the Government next Session. He did not think the House would require a stronger pledge on a subject on which there was so much difference of opinion. After the expression of the views of the different constituencies of Scotland on this subject at the last election, he thought the Government were bound, if they possibly could, to deal with the subject next Session.

MR. PARKER said, on behalf of the tenant-farmers of Perthshire, he had to thank Her Majesty's Government for the promise which they held out of dealing with this question next year. If there were any two points on which, from the first, hon. Members had been agreed, they were these—first, that the difficulties between landlord and tenant might better have been settled by other means than legislation, since, by kindly feeling and moderation in the exercise of the rights of property, the necessity for an appeal to Parliament might have been avoided; and, secondly, that if there must be legislation, it might best be undertaken by the Government, and not by private Members. But, unfortunately, the relations between landlord and tenant were not such that legislation could be dispensed with; and, unfortunately, the Government had their hands so full that they were unable to deal with the question this year. That constituted the justification of private Members endeavouring to promote a settlement by themselves introducing Bills. Those Bills, although they should now be withdrawn, had not been useless. The discussion they had provoked had indeed taken place at most inconvenient hours, so that it had not been possible to do justice to any one of the three Bills. Yet they had drawn out a certain amount of feeling friendly to reform, and they had obtained a promise of favourable consideration for this question from Her Majesty's Government. He did not wish to represent the engagement as more definite than it was; but he did not know that the matter could be left in a more favourable position than this—that the Government promised to deal with the question in the best manner circumstances would permit in the next Session; and that, meanwhile, those Members who advocated this reform would endeavour to bring about as much unity of opinion as possible among the tenant-farmers, and also amongst the proprietors of Scotland, so that next year the question might be more ripe for legislation.

Order *discharged:* Bill *withdrawn.*

### CORN AND GRAIN MEASUREMENT BILL.

On Motion of Mr. HENRY B. SHERIDAN, Bill to establish an uniform system of measurement in the sale of Corn and other Grain, *ordered* to be brought in by Mr. HENRY B. SHERIDAN and Mr. GOLDNEY.

Bill *presented,* and read the first time. [Bill 177.]

### STIPENDIARY MAGISTRATES (DEPUTIES) BILL.

On Motion of Viscount SANDON, Bill to amend the Law concerning the appointment of Deputies by Stipendiary Magistrates, *ordered* to be brought in by Viscount SANDON, Mr. MUNTZ, and Mr. RATHBONE.

Bill *presented,* and read the first time. [Bill 176.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 24th June,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Companies Clauses Act (1863) Amendment* (147); Poor Law Union Loans* (148).

*Second Reading* — Ecclesiastical Dilapidations (No. 2)* (82); Poor Relief (Ireland) Act (1862) Amendment* (124); Public Parks (Ireland)* (131); Inam Lands* (143).

*Committee—Report*—Oyster and Mussel Fisheries Supplemental* (129); Sea Fisheries Act (1868) Supplemental* (132); New Parishes and Church Building Acts Amendment* (184).

*Report*—Beerhouses, &c.* (145).

*Withdrawn*—Metropolis Local Management Acts Amendment* (86); Metropolitan Regulations* (87); Justices of the Peace Qualification (93).

*Royal Assent*—Customs and Inland Revenue Duties [32 & 33 *Vict.* c. 14]; Exchequer Bonds (£2,300,000) [32 & 33 *Vict.* c. 22]; Civil Service Pensions [32 & 33 *Vict.* c. 15]; Norfolk Island Bishopric [32 & 33 *Vict.* c. 16]; Sea Birds Preservation [32 & 33 *Vict.* c. 17]; Oxford University Statutes [32 & 33 *Vict.* c. 20]; Election Commissioners Expenses [32 & 33 *Vict.* c. 21]; Stannaries [32 & 33 *Vict.* c. 19]; Lands Clauses Consolidation Act Amendment [32 & 33 *Vict.* c. 18].

## JUSTICES OF THE PEACE QUALIFICATION BILL—(No. 93.)

(*The Earl of Albemarle.*)

### SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF ALBEMARLE, in moving that the Bill be now read the second time, said, that its purpose was to repeal the 18 *Geo.* II. c. 20, which required a property qualification for all persons acting as justices of the peace. The effect of that Act was to place the local jurisdiction of the rural districts of England and Wales exclusively in the hands of landed proprietors. In proposing its repeal he sought to divest the magisterial office of this exclusive and invidious character, and to give the Lord Chancellor and Lords Lieutenant of counties power to appoint any persons qualified by education, character, and social position for exercising the duties of that office with advantage to the public. Several of these property qualifications existed up to the reign of William IV., all being traceable to feudal times, when agriculture was the principal occupation of the people, and when the owners of land were the governing class. Formerly, for instance, no person was permitted, unless he were a landed proprietor, to keep game or to sit in Parliament. But those Acts, so contrary to the spirit of modern legislation, had one by one been abrogated. Those who had not given attention to the subject might suppose, indeed, that this particular qualification originated in the reign of George II., and was therefore comparatively modern; but it was really more than 400 years old, for an Act of Henry VI. provided that no person should be qualified for the office of a justice of the peace who did not possess lands or tenements of the value of £20 a year; and the Act of 18 *Geo.* II. simply raised the qualification to £100, which may be supposed to represent the difference in the value of money between the two periods. Now he submitted that an Act passed at the time of the Wars of the Roses was not likely to be suited to the seventieth year of the nineteenth century, and that there was no reason why they should maintain, at the present time, a law which was merely a remnant of the feudal system. The Preamble of the Act of George II. recited that by many recent Acts of Parliament the power and authority of the justices of the peace had greatly increased; and this was one of his reasons for introducing this Bill, since not only had that power and authority increased, but the number of country gentlemen to undertake the duties had become quite insufficient. This was proved by the wholesale introduction of country clergymen into the commissions. Why, then, should not the office be thrown open, and the authorities be allowed to appoint persons whom the enormous increase of wealth and the spread of education had called into existence since the passing of this Act? Their Lordships' eldest sons were specially exempted from its operation; so that by necessary implication their younger sons, unless possessed of real property, were declared to be of too mean estate to sit on the Bench at petty sessions. Was it not absurd to exclude lawyers from serving on the county magistracy? Oke's *Magisterial Synopsis*, the *vade mecum* of county magistrates, contained 1,200 pages. Now, was it not absurd to expect such an amount of professional knowledge from unprofessional men, and to deprive them of the co-operation of those who had made the law their profession? The only qualification for the office of Lord Chief Justice of England was fitness, and that surely ought to be the sufficient and sole qualification of these inferior criminal Judges. By enabling lawyers to be qualified for the office of justice of the peace, we should only be reverting to the ancient law of the land; and even in the comparatively modern Act of Henry VI., there was a special clause empowering the Lord Chancellor to appoint any person learned in the law, although they might not have the necessary property qualification. Were we to be more exclusive than the Edwards? To pass from the learned to the unlearned professions—to one of which he belonged—he would ask why officers of the Army and Navy were to be excluded from acting as justices of the peace unless they had property qualification? They were accustomed to act judicially from their boyhood; and, personally, he was liable to be ordered on a court martial before he had attained the age of sixteen. His attention was first called to the subject by the inconvenience which he personally experienced when, as an acting magistrate for one of the petty sessional divisions of the county of Norfolk, he often found himself the only magistrate who answered a summons to attend a petty sessions. In that district there were two gentlemen, one a lieutenant general and the other a commander in the Navy, and although both were in the commission of the peace they were disqualified for rendering any assistance by the Act which he sought to repeal. Two distinguished ornaments of this House, both of whom had been Secretaries of State, had advocated the admission into that House of mercantile representatives; and, following them at a humble distance, he would say place mercantile representatives on the magisterial Bench in petty sessions. To show how this class viewed their exclusion from a participation in labours that ought to be common to all, he held in his hand a letter in which it was stated that in the district in which the writer lived this Bill was hailed with great satisfaction, because it had long been felt a great hardship that merchants and others, who invested a large amount of capital in giving employment to thousands, could not take part in the administration of justice; while a clergyman of a small parish, the tithes of which were worth £100 a year, was qualified to do so. The Act of George II. produced great dissatisfaction in the districts where game abounds, and especially where it was in very few hands. Game was the exclusive property of landed proprietors; and the Act, in effect, declared that they were to be the sole Judges in the rural districts of offences against the Game Laws. The feeling was general that the landlord was more or less an interested person; and the feeling was very strong in Scotland, as was shown by the fact that two Bills before the other House, although materially different from each other, were at one in regard to taking the administration of the Game Laws out of the hands of the county justices. He (the Earl of Albemarle) did not go so far; but he asked that other classes besides landowners should be allowed to take part in the administration of them. For a similar reason the system was very unpopular in Wales. The rivers of Wales belonged to landed proprietors, who were justices of the peace, and justices of the peace were *ex officio* members of the Boards of Conservators; so that as conservators these gentlemen originated prosecutions, and as justices of the peace they adjudicated upon them. A case had come before the Court of Queen's Bench in which a millowner was convicted by the magistrates for an offence against the Salmon Fisheries Act. He obtained a writ of *certiorari* on the ground that the convicting magistrates were interested persons. The case was argued before the Lord Chief Justice, Mr. Justice Blackburn, and Mr. Justice Mellor. They were unanimously of opinion that the magistrates were interested, and that substantially they were the prosecutors; and the conviction was quashed. This would probably not have happened if the millowners had been represented on the Bench. The state of feeling created by this state of things was evidenced by a statement in a sporting journal—*Land and Water*—that the fishermen of a certain district, considering themselves persecuted by a justice of the peace, revenged themselves when he was ill by holding a meeting to pray that he might die.

*Moved*, "That the Bill be now read $2^a$."—(*The Earl of Albemarle.*)

THE DUKE OF RICHMOND said, he felt bound to protest against the Bill, and against the reasons adduced for bringing it forward. He had listened in vain for some substantial reason and argument for altering the law, and had heard none except that it had existed for four centuries. But there were many laws far older than that which their Lordships would be unwilling to abolish for no better reasons. He protested against the position in which the proposed change would place any noble and learned Lord who sat upon the Woolsack—not to mention the Lords Lieutenant of counties. For himself, if this Act were repealed it would be a puzzle to him to know whom he should recommend to Her Majesty for the honour of being placed in the commission of the peace. The noble Earl said that the present magistrates were unfit to do discharge their duties.

The Earl of ALBEMARLE said, that what he said was that they were insufficient in number to discharge their duties.

The Duke of RICHMOND said, the noble Earl had, as he had referred to a copy of Oke's *Magisterial Synopsis* containing something like 1,200 pages, asked their Lordships if they had read the work. Did the noble Earl think that Lords Lieutenant should pass an examination like candidates for the Army and Navy or for the Civil Service, and that the routine of examination should comprise questions on this book? With regard to what the noble Earl had said about officers of the Army and Navy, those officers were for the most part engaged in serving their country elsewhere; but the noble Earl's argument would not apply, because in the different Benches of magistrates in this country many retired officers of both services were to be found. Again, the noble Earl had said that magistrates ought not, in counties where there was game, to deal with game cases, because they were interested parties.

The Earl of ALBEMARLE said, he had carefully avoided insinuating that justice in such cases was not administered. He had simply stated that such was the impression which prevailed in many quarters.

The Duke of RICHMOND said, that unless it was urged that in these cases justice was not administered, the argument fell to the ground—if it was administered properly it did not matter whether the magistrates were interested parties or not. He believed there was no difficulty where magistrates were required in getting fit and proper persons to perform the duties. Under those circumstances, he would ask their Lordships to read the Bill a second time that day three months.

Amendment *moved*, to leave out "now," and insert "this day three months."—(*The Duke of Richmond.*)

Lord PORTMAN observed that his noble Friend (the Earl of Albemarle) in advocating the abolition of the existing qualification for magistrates, appeared to forget that some qualification was necessary, because it was by the magistrates that the county finances were administered. While these finances were administered by the magistrates qualified by estate, no one could say that they were not administered by the rate-payers of the county, because almost all the magistrates, under their qualification, were rate-payers. The magistrates were soon to be assisted in their financial administration by financial Boards, and if they took away the qualification of the magistrates, how could they ask for a qualification on the part of the elected members of those Boards? The magistrates ought to have such a qualification as would enable them for the sake of their own interests to take care that not 1*s*. of the rate-payers' money was wasted. None of the arguments employed in favour of the establishment of county financial Boards went the length of saying that a single shilling was wasted or misspent under the existing system. The Bill was inopportune, because it was introduced at the very time when a Bill relating to the administration of county finances was engaging the attention of the House of Commons. In Scotland there was no qualification required, except a negative prohibition of some persons; so that his noble Friend's argument with reference to the Game Laws had certainly no application there. His noble Friend had discovered that this qualification had existed since the Wars of the Roses, but he (Lord Portman) certainly believed that if the system was really attended with any injustice or inconvenience, his noble Friend would not have been the first person to propose its repeal. His experience as a Lord Lieutenant enabled him to state that the qualification was a great safeguard against appointments of men who were casual residents in a county and desired to act as justices of the peace because they had no occupations, and these became Guardians of the Poor as well as magistrates, and, having no permanent interest in the union, would not be acceptable to the elected guardians nor to the rate-payers, but would be disposed to interefere in the expenditure of the rates of those whose tenure was more permanent. He trusted that his noble Friend would withdraw his Bill, and not put the House to the trouble of a division.

THE EARL OF ALBEMARLE said, he was far from being convinced by the arguments to which he had listened. He did not, however, desire to give their Lordships unnecessary trouble, and would therefore for the present withdraw the Bill—though he hoped at some future time again to introduce it, and to fortify its claim to their Lordships' attention by stronger arguments.

Then the said Amendment, original Motion, and Bill (by leave of the House), *withdrawn.*

## BENGAL BANK AT BOMBAY.

### QUESTION.

THE MARQUESS OF SALISBURY rose to ask the noble Duke the Secretary for India, Whether the Government have sent out any instructions to the authorities at Calcutta to give directions for the closing of the branch of the Bengal Bank now at Bombay; and, whether he will lay on the Table any Correspondence which has passed on the subject? He merely wished to ascertain what future policy the Government contemplated pursuing with reference to the branch Banks in India?

THE DUKE OF ARGYLL replied that the Government had sent despatches upon the subject to the Government of India, desiring them to use all their influence with the Bank of Bengal for the purpose of inducing them to withdraw the agencies they had established in Bombay. He hoped that the noble Marquess would not press for the production of the Correspondence, which was of rather a confidential nature.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

# HOUSE OF COMMONS,

*Thursday, 24th June,* 1869.

MINUTES.]—SELECT COMMITTEE—Abyssinian War, *nominated.*

SUPPLY—*considered in Committee—Resolution* [June 23] *reported.*

PUBLIC BILLS—*Second Reading—Referred to Select Committee*—Public Offices Concentration* [196].

*Committee—Report*—Assessed Rates (*re-comm.*) [149-178]; Greenwich Hospital [105]; Land Tax Commissioners' Names* [54]; Park Gate Chapel Marriages, &c. (*re-comm.*)* [111].

*Considered as amended*—Civil Offices (Pensions) [133]; Prisons (Scotland) Administration Act (1860) Amendment* [143]; Fines and Fees Collection * [171].

*Third Reading*—Judicial Statistics (Scotland)* [142], and *passed.*

## BETTING HOUSES.—QUESTION.

MR. EYKYN said, he would beg to ask the Secretary of State for the Home Department, By what authority the Police have been instructed to take legal proceedings against certain Commission Agents who were brought before Sir Thomas Henry on Saturday last; whether these proceedings were based on the 1st or the 3rd section of the Act of 1853 for the Suppression of Betting Houses; and, further, if he will state how far the interpretation which has been now put upon these sections will affect other establishments where betting is carried on?

MR. BRUCE said, in reply, that the prosecutions against the persons to whom the hon. Gentleman's Question referred were instituted on the authority of the Chief Commissioner of Police, and with his own full consent and approval. Those prosecutions were based generally upon the Act for the Suppression of Betting Houses. He was not aware that it was necessary to lay information under any particular section. As no decision had yet been arrived at, it would be impossible for him to say how far other establishments might be affected, especially as he did not know the special circumstances under which betting was carried on in them, or whether they would come under the Betting House Act.

## THE MORTALITY AT BARKING.

### QUESTION.

MR. EASTWICK said, he would beg to ask the Secretary of State for the Home Department, Whether it is not desirable that the Medical Officer to the Privy Council, and a chemist of eminence, should be associated with the Civil Engineer sent down to inquire into the state of Barking, in order that authoritative evidence may be obtained as to the causes of the mortality at Barking, and as to the chemical state of the water in the adjoining creek; and whether, considering the importance of the subject, the Counsel from the Home Office should not also be associated with the Commission as assessor?

MR. BRUCE said, in reply, that as far as he was at present advised, he thought that Mr. Rawlinson, the gentleman to whom the matter was committed, fully competent to conduct the whole inquiry. If he wished for any assistance, or if the inhabitants were desirous that there should be a special machinery of inquiry, they might communicate either with himself or with his right hon. Friend the Vice President of the Council, who would direct the medical officer of the Council to have an inquiry made. It did not appear at all necessary that any legal assessor should be added to the person now conducting the inquiry.

## EDUCATION VOTES.—QUESTION.

MR. SAMUELSON said, he wished to ask the Vice President of the Council, Whether a special day will be fixed for taking the Civil Service Votes relating to Education; and, whether he is able to name the day on which he will introduce those Votes?

MR. W. E. FORSTER said, his present intention was to propose the Education Votes on Monday, but he could not fix the day positively.

## HOUNSLOW POWDER MILLS.

### QUESTION.

VISCOUNT ENFIELD said, he would beg to ask the Secretary of State for the Home Department, Whether any Government Inspector has lately visited the Powder Mills at Hounslow, the scene of a recent explosion attended with loss of life, and has reported as to the probable security of that establishment; and, whether the regulations of the Gunpowder Act (23 and 24 Vict. c. 139) are or are not habitually enforced for the proper management and supervision of Gunpowder Mills and Magazines, and the protection of the lives of all employed in them, and of those who live in their neighbourhood?

MR. BRUCE said, in reply, that there was no permanent inspector of gunpowder manufactories at the Home Office; but whenever application for inspection was made directions were given by the Secretary of State for the purpose, if the special circumstances of the case appeared to warrant it. Such a demand was made about three years ago. A competent officer was sent thereupon to inquire into the condition and management of the powder mills at Hounslow, and his Report was entirely satisfactory. The explosion to which the question referred appeared, as far as had been ascertained —for as yet there had not been a full inquiry before the coroner—to have been caused by some accident to the machinery; the loss of life and injuries inflicted were confined to the premises of the powder mills themselves, and there did not appear to be any danger to those residing in the neighbourhood. With respect to the regulations under the Gunpowder Act, he had no reason to believe that they had not been regularly observed. The gentlemen to whom the establishment belonged had always shown a great desire to do everything in their power to protect their workmen, and from all he could hear there had been no defect of vigilance on the part of the local authorities.

## ENDOWED SCHOOLS ACT.—QUESTION.

MR. NEVILLE-GRENVILLE said, he would beg to ask the First Lord of the Treasury, Who is to be the Secretary to the Commissioners under the Endowed Schools Act; what salary the Treasury proposes to give to the Commissioners and Secretary respectively; and, in the event of any of them holding another Crown appointment, whether such salary is to be in addition to, or included in, the remuneration at present received?

MR. GLADSTONE said, he was afraid that in meeting the demand of his hon. Friend he must do so under protest—that was to say, that it was not usual to communicate to Parliament the names of persons who might be appointed to assist the Commissioners in their inquiry before the Act relating to them was passed. It might, in many cases, be inconvenient to do so. There were, however, considerations of previous experience, skill, and knowledge, which plainly indicated the gentleman who, for the public advantage, should hold the office of Secretary to the Commissioners in question. He had, therefore, no difficulty in naming the gentleman. He hoped that Mr. Roby, who had been formerly the Secretary of the Schools Inquiry, would accept that office with a salary of £1,000 a year. The Government anticipated great advantage to the Commission from his co-operation. In respect to the salaries of the Commissioners, Lord Lyttelton would be Chief Commissioner with a salary of £1,500 a year; Mr. Robinson, a Junior Commissioner, would receive £1,200 a year; and Mr. Hobhouse, though a Junior Commissioner also, yet being in the legal profession, and possessing high legal attainments, and his emoluments therefore, being governed by different considerations, would receive a salary of £2,000 a year. The Commissioners would not receive any other public emoluments, nor hold any other salaried office whatever in addition to their office.

## IRELAND—SEDITIOUS LANGUAGE IN THE QUEEN'S COLLEGES.—QUESTION.

Mr. DAWSON said, he wished to ask the Chief Secretary for Ireland, Whether the attention of the Government has been directed to the delivery in the Halls of the Queen's Colleges at Galway and Belfast of very questionable expressions on the part of certain students and others, especially in connection with the Literary and Scientific Society in the Galway Queen's College; and, whether the Government will not consider it desirable in such seminaries, supported by Imperial taxation, to require from the College authorities a stricter fulfilment of the prohibition against the discussion of political and party questions within the lecture rooms of the Colleges, and as set forth in one of the Statutes of the Queen's University?

Mr. CHICHESTER FORTESCUE, in reply, said, his attention had been first called to the subject by this Question of his hon. Friend, when he at once took measures to ascertain the facts. He put himself in communication with the Vice Chancellor of the Queen's University, and through him with the Presidents of the Colleges. He would tell the hon. Gentleman the result of those inquiries. First, as to Galway, it appeared that at the Queen's College there, and, he believed, in the other Queen's Colleges, there existed a so-called Literary and Scientific Society among the students, one of the rules of which had been the absolute exclusion of party and polemical subjects. But the President of the College informed him that in consequence of a statement in the Irish *Daily Express* of the 9th of March, characterizing the tone of a recent debate in that Society as seditious, a meeting of the College Council was convened to consider the matter, when it was discovered that, without their knowledge, and no doubt, in a very improper manner, the rule prohibiting the introduction of political and party subjects had been abrogated by the Society itself, and that, on the occasion in question, subjects of that nature had been introduced and discussed. Upon that the College Council took severe measures, and prohibited the meetings of the Society for some time. Afterwards they took care that the rule should be re-enacted in a very stringent form, including the necessity of the presence of a College Professor or other officer on all occasions, and requiring him to put a stop to the introduction of any such subjects, if it should be attempted. But the President, he must say, added that the College Council, having examined with great care the charges made against that particular meeting of the Society, came to the conclusion that the allegation that seditious or treasonable language had been used was unfounded, and was disproved by every witness who appeared before the Council. It was also denied by the chairman, by the secretary, and also by the gentleman who read the paper in question. In respect to Belfast, it appeared that on an occasion which was also noticed in the public Press a lecture was delivered by a Mr. Killean, who was not a member of the College, although for a short time he had been a member, and that lecture undoubtedly violated that same rule of the exclusion of political and party subjects. But Dr. Henry, the President of the College at Belfast, assured him that great care would be taken that such an occurrence should not happen again, and promised that measures would be adopted to prevent in future even outsiders from thus violating the College rules, thereby impairing the utility of a valuable society, and inflicting an injury on a body of loyal and exemplary students. The result was that violations of the rule against the introduction of party politics did not recur. Whether absolutely seditious and treasonable language was used or not was more than doubtful; and they might hope that there was very little, if anything, of that kind going so far as that. But, at all events, —and this was the most important point —there was every reason to believe that there was no risk of a future recurrence of any such proceedings.

## ASSESSED RATES (*re-committed*) BILL.

(*Mr. Goschen, Mr. Secretary Bruce, Mr. John Bright.*)

[*Progress 21st June.*]

[BILL 149.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 4 (Constructive payment of the rate).

MR. VERNON HARCOURT said, he had given notice of an Amendment which raised a very important question. When this Bill was brought forward in its amended shape his right hon. Friend who had charge of it said it had two aspects—the first being its economical aspect, and the second being its political bearing on the franchise. As far as they had hitherto gone they had dealt with the economical aspect of the measure, and had determined to restore the system of compounding that was abolished by the Reform Bill of 1867. They had resolved to retrieve that which, by the admission of both sides of the House, was acknowledged to have been a great economical blunder produced by the political necessities of the day. They had been occupied last Monday in assisting at the obsequies of that once famous principle — "the personal payment of rates." Besides the active part taken on the Liberal side in that proceeding, they had had the additional advantage of the tacit consent of hon. and right hon. Gentlemen opposite, who might be said to have assisted as mutes at the funeral of a personage who had been once so dear to them. The result of connecting the political franchise with the payment of parochial rates had been that the rating system could not be placed on a sound footing without revolutionizing the whole basis of the political franchise, and for this reason the House of Commons had restored the system of composition. The effect of the first three clauses of the Bill, and of the new clause of which notice had been given by his right hon. Friend the President of the Poor Law Board, would, unless further precautions were taken, be to deprive the whole of the operative classes of the country of the political franchise. The first two clauses provided that the occupier should pay the rate and re-coup himself afterwards from his landlord, while the 3rd clause enacted that by agreement between the occupier and the owner the rate might be paid by the owner and not by the occupier. But the really operative clause of the Bill would be that of which his right hon. Friend had given notice, for it proposed to give to the vestries a compulsory power to rate the owner instead of the occupier, and that clause would, if the law remained as it at present stood, in point of fact, produce the result to which he had just referred. Indeed, this new clause would sweep away Clause 3 altogether, though, he confessed, he did not complain of this, because he had always been in favour of compulsion. But, in spite of the Resolution of the House of Commons last Monday night not to give more than 25 per cent as a bonus to the owner, the new clause proposed to give him 30 per cent, thus reversing the former decision of the House. Now, if a man who was coerced by the vestry was to have 30 per cent, and if he agreed voluntarily with the overseers only 25 per cent, was it at all likely that any man would come to a voluntary agreement? The other evening he had stated his objection to making the fate of the occupiers dependent on the discretion of vestries in which the owners predominated by their plurality of votes.

MR. GOSCHEN, interposing, reminded the hon. and learned Member that the owners had no vote in the vestries.

MR. VERNON HARCOURT said, he was glad to be corrected on such high authority; but he had always been under the impression that the owners of house property possessed a plurality of votes in the parochial franchise. In his opinion, the position of the occupiers ought to be under the guardianship of Parliament, and not left to the discretion of vestries. His right hon. Friend hoped, with himself, that by these clauses they would substantially effect the rating of the owners instead of the occupiers; but the difference between them was the method by which that result was to be produced. Supposing the plan of his right hon. Friend to be successful, the owner of every house under £20 rateable value in the metropolis, and under £8 rateable value in the country, would be rated instead of the occupier, and as long as the Reform Acts of 1832 and 1867 were adhered to, this would amount to a complete disfranchisement of every occupier of a tenement which came under the operation of the clause. That being so, let them consider the magnitude of the question. When they were dealing with the compound-householder below £6 it was estimated that it affected 480,000 votes; but in dealing with occupiers up to £8 in the country, and £20 in the metropolis, the number affected would not be far short of 1,000,000. By this Assessed Rates Bill they proposed therefore practically to determine the political rights of the working classes for the future. They might call the Bill what they liked, but there could be no doubt it was a new Reform Bill, necessitated by the errors of the Bill of 1867. Clause 4 gave the title to vote, and Clause 12 provided the manner in which that title was to be recorded. Clause 4 proposed to deal with two questions. It stated that—

> "Every payment of a rate by such occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, shall be regarded as payment of the rate by the occupier;"

and then they came to the words which he proposed to alter by his Amendment—

> "And every payment of a rate by the owner, notwithstanding the allowance of the commission under this Act, shall be deemed a payment of the full rate."

If there was one principle to which the Liberal party were committed more than any other, it was that they should not seek to establish the political franchise upon the basis of payment of rates; but in this enfranchising clause of this Liberal Reform Bill, it was proposed to make the title of the occupier depend on the payment of rates by the owner. He quite admitted that so long as the owner paid the rate his right hon. Friend had made provision that the occupier should have the franchise; but that was no more than the law already did for him, when it said that a payment by the owner on behalf of the occupier should be deemed equivalent to a payment by the occupier himself. There was, however, a case for which Clause 4 made no provision. Let him suppose that the owner did not pay the rates—what would happen? The question was one which affected thousands and tens of thousands of votes throughout the country, for the result of the non-payment of the rate by the owner would be that the occupier, who was not liable for its payment, would be disfranchised. But then it might be contended that the owner would be simply an agent for the parish to collect the rate, and that the person who really owed it was the occupier. The consequence would in either case be precisely the same. If the owner was to be the agent for the parish in the collection of the rate, and that he made default, he wanted to know whether the payment of the rate to him was not to be regarded as a payment to the parish so far as the occupier was concerned? Could anybody deny that when the owner collected the weekly rent, which included the rate, he being appointed by the vestry to collect the rate, the payment of it to him by the occupier was not a complete payment of the rate? If that were so, the occupier was, he maintained, as fully entitled to his vote as if he had paid the money into the hands of the vestry itself, or into those of the overseer, and it would be not more absurd to disfranchise him because the overseer ran away with the rate, than as in the present case to disfranchise the occupier because default happened to be made by the owner. The occupiers having paid their rate in their rent, ought not, he maintained, to be affected by the default of the owner, but until that morning the Bill of the Government contained no sort of provision for securing them a vote. His right hon. Friend the President of the Poor Law Board had now admitted that some protection was due to occupiers in the case of default on the part of the owner. He had given notice of a clause which provided that where owners omitted to pay rates the occupiers might pay the same and deduct the amount from the rent. Was that an effective remedy? It was an old remedy which had been proved over and over again to be ineffectual, and, in fact, inoperative. Under the Small Tenements Act of 1850 every facility was given to the occupiers to get upon the register, by paying the rate if the owner made default in paying it; but no occupier did anything of the sort, and the whole of those men were disfranchised. It was offering these people stone for bread. He could not help regretting that his right hon. Friend had proposed a remedy for them which was known to be practically inefficient. The scheme of his right hon. Friend was much the same as saying to a man—"Before you drink a glass of beer you shall pay the malt tax upon the whole barrel; but when you have paid the malt tax upon the whole barrel, you may deduct it from the publican." That would place a working man who wanted to drink a glass of beer in a considerable state of embarrassment. An owner of houses, for political reasons, might not choose to pay the rate, or might become bankrupt, so that the *élite* of the working classes might be disfranchised under the Bill as it stood. The Amendment which he proposed would provide that where the owner made default the occupier should have his vote in the same manner as if the owner had paid the rate, and this, in his opinion, was a fair provision. It would, perhaps, be said—"The result will be to produce residential household suffrage with reference to the working classes." No doubt, and he was in favour of that conclusion. Otherwise the Bill would give, not household suffrage dependent on the payment of rates, but household suffrage dependent on the solvency of landlords, or on their choosing or not choosing to enfranchise their tenants. This was, in fact, a new Reform Bill under Clause 4. He did not wish, from their side of the House, to re-enact the payment of rates at all as a condition of the franchise; but, if that principle were adopted, it should be payment of rates by the person liable. The clause as it stood was wholly inconsistent with the pledges of those who had undertaken to repeal the principle of the payment of rates as the foundation for the franchise. So far as this clause was concerned, all he could say was—"*liberavi animam meam*," and he now left the matter to the candid consideration of the House and the Government. He moved an Amendment to leave out in Clause 4, and in lines 14 and 15, the words—

> "And every payment of a rate by the owner, notwithstanding the allowance of the commission under this Act,"

for the purpose of inserting the words of which he had given notice.

Amendment proposed,

> In page 2, line 14, to leave out the words "and every payment of a rate by the owner, notwithstanding the allowance of the commission under this Act," in order to insert the words "and every occupier of any rateable hereditament in respect of which by agreement between the owner and the overseers, or otherwise, the owner is made liable to the rate, or in respect of which, in consideration of the payment by the occupier of a gross sum under the name of rent, the owner, with the consent of the overseers, undertakes to pay the rate, shall be entitled to all Municipal and Parliamentary franchises in as full a manner as if such occupier had been himself liable to and had paid the rate, whether such owner shall have made default in the payment of the rate or not."—(*Mr. Vernon Harcourt.*)

Mr. GOSCHEN agreed with the hon. and learned Member for Oxford in thinking this point important, because if the indictment just brought against Clause 4 were true great injustice would be done by it; but the hon. and learned Gentleman had rested his indictment against the Bill on both an erroneous assumption and a misconception of the facts of the case and of the present state of the law. The new clauses did not amount to a reversal of the decision of the House. The hon. and learned Member said that owners had a plurality of votes in the vestry; but the hon. and learned Member seemed to confound the vote in the vestry with the vote in respect to Guardians of the Poor, and it was in the latter case only that plurality of votes was allowed. He (Mr. Goschen) wanted to know in what way, if the hon. and learned Member's Amendment were carried, the owners of compound houses would be represented? Not only would they be unrepresented in the vestry, but even at the Board of Guardians. The really important point raised by the speech of his hon. and learned Friend was whether the non-payment of rates by the owner would disqualify the tenant from voting. That required to be met at once. He was no more afraid of residential suffrage than the hon. and learned Member, but he differed from the hon. and learned Member when he described the Bill as a new Reform Bill. He treated the question, in fact, as if the Reform Bill were entirely swept away, and as if the clause now proposed were an enfranchising Amendment. The fact was that nothing more was proposed to be done than to get rid of an economical grievance, and to take care, at the same time, that in effecting that object those entitled to the franchise should not be deprived of it. His hon. and learned Friend was for giving the vote to the occupier, when the owner agreed to pay the rates, whether the rates were paid or not. The natural consequence of this would be that those who did not compound at all should also vote without being compelled to pay their rates. The question involved in the Amendment was whether, by a Bill introduced to remedy an economical grievance, the rate-paying clauses of the Reform Bill of 1867, and of the Reform Bill of 1832 should be repealed. The Government were not prepared to do that which they scarcely thought would be consistent with good faith to propose in the present stage of the proceedings. If it were true that the occupiers were liable to be disfranchised under the present clause, it would then certainly be a question whether the Government should proceed with it, because to such disfranchisement it would become neither a Liberal Government nor the Liberal party to consent. But what were the facts? In order to qualify the occupier to be put upon the register on the 1st of August, the rates previously due on the 5th of January must be paid; and if the rates were not paid by the 20th of June notice of that fact was to be given to the tenant, who would then have all the time from the 20th of June till the 1st of August to pay the rates, deducting them afterwards from the rent. His hon. and learned Friend had said that until that morning there was no provision as to how the occupier was to get his vote in the case of the non-payment of rates by the landlord; but, as a matter of fact, the Government had intended to adopt an Amendment on that subject, notice of which had been given by the hon. Member for Scarborough (Mr. Dent). He knew of no reason why, even in case of a bankrupt owner, the rate might not be deducted from the rent. He, therefore, could not agree in the statement that the precautions taken by the Government to preserve the political franchise would be perfectly nugatory. He thought he had shown the Committee that the danger anticipated by his hon. and learned Friend—which, if real, would be a very serious one—was practically not likely to occur. The question really before the Committee was this—was that danger so great as to compel them at that moment to reconsider the question of the Reform Act of 1867? That there were many points in that Act which at the proper time might require re-consideration was clear to everyone sitting on that side of the House; but the Government must really claim, on their responsibility, to choose the time for introducing such alterations as they thought proper. He did not think it would be felt that they had been remiss in their attention to matters during this Session. They had dealt with as many questions as they thought could fairly be dealt with this Session. His hon. and learned Friend had introduced new issues which would impede and perhaps imperil the Bill altogether. What was now proposed was to remedy, as far as they could, those dangers and inconveniences that had resulted from the abolition of compounding. He hoped the Committee would consider the matter fairly, and not give a vote which would really impede the carrying of the Bill.

Mr. CORRANCE said, that as hon. Gentlemen had been accused of sitting like mutes at the discussion, he would take the liberty of making a few observations. He could see nothing in the Bill to over-ride the provisions of Sir William Clay's Act; but the result of the Amendment under consideration would virtually be, that every one not an owner would be an occupier; that every occupier, under any circumstances, would become a voter; and that all those should be accounted rate-payers who did not pay any rates. That would be the effect of the Amendment, against which he should be obliged to record his vote. He was glad to know that the Government declined to re-open the political question, but would confine itself for the present to the more limited part of the subject.

Mr. CANDLISH said, that though, like most other Liberal Members, he was pledged to vote for the repeal of the rating clauses, he was unable to support the Amendment of the hon. and learned Gentleman (Mr. Harcourt), because it raised that important question in an incidental and fragmentary manner, and proposed to confer the franchise on a small class of persons, and differently to the way in which it was enjoyed by the mass of the people. But he should be prepared, at the proper time, to support any Motion for the abolition of the rate-paying clauses.

Mr. HADFIELD said, it was in vain to expect that the electors would be satisfied until the rate-paying clauses of the Reform Act were done away with. They might as well ask a man to pay his butcher's bill before he could vote.

Mr. R. TORRENS said, he thought no portion of the Ministerial scheme had caused so much disappointment to the Liberal party as the manner in which the President of the Poor Law Board had dealt with this question. The right hon. Gentleman was in this case putting the screw on the wrong man—the small occupier—and not being satisfied with the explanation which had been given, he should support the Amendment of the hon. and learned Member for Oxford. Notwithstanding what the right hon. Gentleman said about the notice to the occupier from the 20th of June to the 1st of August, the effect would be that the tenant, having paid the rates in his rent, would have to pay them again in order to obtain the right to vote.

Mr. GLADSTONE urged the importance of making the Bill complete for the purpose for which it was introduced. Hon. Members had drifted from the consideration of this simple purpose into the discussion of the wider and strictly political question whether the rate-paying clauses should be abolished. No doubt they had a perfect right to enter upon this discussion, and so to mark the Bill as to make it serve a strictly political end; but he suggested that this more ambitious course might prevent the application of an immediate and complete remedy to a serious practical grievance. In order that it might not be supposed that the Government had any desire to shirk a discussion of the rate-paying clauses, he wished to point out that they had no choice. In the Speech from the Throne a paragraph was inserted, stating that—

> "A measure will be brought under your notice for the relief of some classes of occupiers from hardships in respect of Rating, which appear to be capable of remedy."

That was a distinct pledge as to the character and scope of the measure; and no one who read the paragraph could for a moment suppose that it embraced the repeal of the rate-paying clauses, because the condition involved in those clauses was universal in its operation, and not confined to "some" classes only. It was perfectly well understood that their intention was to ask the assent of the House to a measure which aimed at remedying hardships unforeseen by many, and which had grown out of the operation of the Reform Act of 1867. If it had been intended to re-open political questions connected with the representation of the people, it would have been their duty to make an intimation of a totally different nature in the Speech from the Throne. As they had not done so, it was necessary to limit themselves to applying a practical remedy to a practical grievance, and leave the discussion of the general question of the payment of rates as a condition of the franchise to be dealt with on another occasion, which was hardly likely to arise during the present Session. They were not by the present vote asking the House to express any opinion, favourable or otherwise, on the question of the rate-paying clauses. His right hon. Friend had shown that the Bill would provide an effective remedy for a practical grievance, and he very much mistook the disposition of the House of Commons if, in order to attain a good which was not in immediate prospect, they would put in hazard the realization of a practical and important measure.

Mr. VERNON HARCOURT said, that he was unable to withdraw the Amendment, because the speech of his right hon. Friend at the head of the Poor Law Board had failed to satisfy him that the Bill really accomplished the object aimed at in his Amendment. Supposing the case of a weekly tenant who had paid the rate to his landlord; the landlord became bankrupt, say on the 24th of June, or failed to pay over the amount to the overseer; the result would be that the name of the tenant would be struck off the register, unless he was willing to pay a second time the rate that he had already paid once. He would not be deterred from dividing because the right hon. Gentleman had said that it would be necessary, if the Amendment were carried, to do justice to all classes of rate-payers. He was prepared for that.

Mr. GOSCHEN said, his hon. and learned Friend had declared that he would not divide if he should receive an assurance that the occupier would not have to pay the rate out of his own pocket. That assurance he would give his hon. and learned Friend, therefore he felt sure no division would take place. The occupier would not have to pay the rate out of his own pocket, for he would pay it out of the rent. There would be four or five weeks to deduct the rate, and there was no case where the quarterly rate would exceed four weeks' rent. He thought, therefore, that the Amendment ought not to be pressed after what the hon. and learned Gentleman had stated, and he hoped the Committee would not be called upon now to divide upon the question of the rate-paying clauses of the Reform Act.

Question put, "That the words 'and every payment of a rate by the owner' stand part of the Clause."

The Committee *divided*:—Ayes 291; Noes 42: Majority 249.

Mr. GOSCHEN *moved*, in page 2, line 14, to leave out after "owner" to "shall," in line 15, and insert—

"Whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate."

Sir MICHAEL HICKS-BEACH asked the President of the Poor Law Board whether he did not think it would be expedient to debar small occupiers whose rates were compounded for from voting at the election of guardians or parish officers. Such occupiers, not paying the rate themselves, might be under a great temptation to vote for any guardian who, for example, would support the absence of any labour test or the indiscriminate grant of out-door relief.

Mr. GOSCHEN said, he thought it was not desirable altogether to disqualify small occupiers whose rates were compounded for from voting for guardians of the poor. On a future occasion, however, it might be important to consider whether the owners should not be placed in a different position in respect to Boards of Guardians.

Amendment *agreed to*.

Sir MICHAEL HICKS-BEACH, in moving the addition at the end of the clause of the proviso of which he had given notice, said the Reform Act of 1867 had originally proposed to base the franchise on the personal payment of rates by the occupier. There was, however, a clause in that Act which enabled rates to be paid by the agent of the occupier; and that was afterwards construed to mean that the landlord might be the agent of the occupier, and practically the rates were paid to a very large extent by the landlord for the occupier. That increased the franchise to a very considerable extent. To that, however, he did not object. But the right hon. Gentleman said he wished by that clause to preserve the political rights of all occupiers enfranchised by the Reform Act of 1867, while, at the same time, securing to them the economical advantages of this Bill. The clause, however, would not only preserve for the occupiers enfranchised by the Reform Act of 1867 the franchise which they already held, but would operate in many boroughs as a large measure of further enfranchisement. It had been repeatedly stated that the grievance to be remedied was this—Many small occupiers were unable to pay their rates directly to the overseer, and were either excused from payment; or, after the process of summons, had distress warrants executed against them, thereby forcing them into pauperism. If those occupiers were excused from payment or were compelled to receive parish relief, they would, in either case, lose their votes under the existing law. But the effect of this Bill in enfranchising the small occupiers would be proportionate to the amount of distress which had existed in certain boroughs. In boroughs like Birmingham or Hackney, where large numbers of persons had been excused from the payment of rates, or driven into pauperism by being compelled to pay, this measure would produce a great effect, because all such persons would become voters under this Bill; and, therefore, the House ought to consider whether some limit ought not to be put on the proposed extension of the franchise. Who were the persons on whom the franchise would thus be bestowed? They were persons not removed in reality from the pauper class; for he held that persons who were excused from the payment of rates were practically in receipt of parochial relief. Another qualification of the franchise—namely, residence—was also interfered with by this Bill. The Reform Act of 1867 provided that the residence should be for a year, and further that residence in different houses in immediate succession in the same borough should be equivalent to a continuous residence for twelve months in one dwelling-house. This proviso, which had considerable connection with rating, was necessary to meet the case of workmen who were compelled to change their residence in order to be near the place of their employment; but he desired to point out that, under the present Bill, it would be possible, in a town where all the low class property was compounded for by the landlords, for a man to occupy several of such houses during a year, each for a month or two at a time, and to obtain a vote in respect of such residence, although he would have paid no rates, and might not have paid more than a very small amount of rent to any of his landlords. This was surely a class of persons who ought not to be placed on the Parliamentary register, and he begged, therefore, to move to add to the clause the following words:—

> "Provided, That no occupation of any tenement with respect to which the owner shall have made such agreement with the overseers as is provided for under the third section of this Act shall be taken into account in reckoning the period of occupation of different premises in immediate succession necessary for the purpose of any such qualification or franchise, unless the occupation of such tenement shall have been continuous for a period of not less that six months."

Colonel BARTTELOT said, he hoped the right hon. Gentleman the President of the Poor Law Board would agree to the Amendment of his hon. Friend, because he was strongly of opinion that some restriction ought to be placed upon this class of people. It might, however, be desirable to fix the limit at three, instead of six months. If a man did not pay either his rent or his rates for three months, no one could pretend that he had fairly entitled himself to the franchise. It might be urged that many people had to move about from one house to another in order to be near their work; but he thought that, generally speaking, a man who took a house for less than six months could hardly be what he should call respectable.

Lord HENLEY said, he hoped the Committee would not accept the Amendment, which proposed that residences of less than six months should not be counted in making up the year which was necessary for enfranchisement. In canvassing a large town he had found that some of the most respectable working men were in the habit of moving about in order to be near their work.

Mr. GOSCHEN said, he hoped the hon. Baronet would not press his Motion, not only on account of the excellent reasons given by his noble Friend (Lord Henley), but also because the proposed clause was open to the same objection that was applied to the proposal of his hon. and learned Friend the Member for Oxford (Mr. Harcourt). If this had been a new Reform Bill the hon. Baronet might very properly, from a Conservative point of view, have raised the present issue; but, as the Government had endeavoured to keep the political element out of the Bill, he trusted that no extraneous matter would be introduced into it in the shape of disfranchisement, or the establishment of a new qualification.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 5 (Liability of owner under agreement).

Mr. VERNON HARCOURT said, that he had prepared a plan whereby existing hardships on small tenants could be avoided. That plan was that, instead of distraining on a tenant as at present, the rent should for a given time be paid over to the parish authorities, instead of to the landlord. In that way he thought the object of the clause could be secured, without undue injury to the occupiers. He was, however, glad to see that the right hon. Gentleman the President of the Poor Law Board had on the Paper an Amendment that would meet the point. He was ready to waive his plan for that of the right hon. Gentleman.

Mr. CAWLEY said, that the words which the right hon. Gentleman was about to introduce completely protected the occupier; but he thought that power ought to be given to the overseers to attach the rents of a block of houses, and not merely of one house, when the rates were unpaid.

Mr. GOSCHEN said, the clause as originally worded was taken from the Small Tenements Act; but in consequence of the suggestions of his hon. and learned Friend the Member for Oxford and of the hon. Member for Salford, Amendments had been framed which he hoped would prevent any hardship to the poorer class of occupiers. But to attach the rents of one house for the rates due upon another house would be to introduce an entirely new principle, and he hoped the hon. Member would not press his Amendment.

Mr. CAWLEY said, that an agreement was often made by a landlord in respect, say, of the rates of twenty houses, for which he was allowed a discount. His suggestion was merely that the rents of those houses should be jointly liable for the rates which were to be jointly paid, and that when the time for payment came the collector should not suffer loss by those that were unoccupied.

Clause *agreed to.*

Clause 6 (Recovery of rates unpaid by the owner).

Mr. GOSCHEN *moved,* in line 30, after "owner," insert—

> "Subject to the following provisions:—1. That no such distress shall be levied unless the rate has been demanded in writing by the overseers from the occupier, and the occupier has failed to pay the same within fourteen days after the service of such demand; 2. That no greater sum shall be raised by such distress than shall at the time of making the same be actually due from the occupier for rent of the premises on which the distress is made."

Amendment *agreed to.*

Mr. DENT *moved,* in page 2, at end, add—

> "Provided always, That any such occupier shall be entitled to deduct the amount of rates for which such distraint is made, and the expense of distraint, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid."

Amendment *agreed to.*

Clause *agreed to.*

Clauses 7 to 9, inclusive, *agreed to.*

Clause 10 (Provision for successive occupiers and for occupiers coming into unoccupied hereditaments).

On Motion of Mr. Rathbone, an Amendment was introduced to the effect that an out-going occupier should remain liable for so much and no more of the rate as was proportionate to the time of his occupation within the period for which the rate was made.

Clause *agreed to.*

Clauses 11 and 12 *agreed to.*

Clause 13 (Interpretation clause).

Mr. DIXON *moved,* in line 5, leave out "who shall not be usually resident within the parish in which the hereditament shall be situated," and insert "for whom he is acting as agent."

Clause *agreed to.*

Remaining clauses *agreed to.*

Mr. GOSCHEN proposed a new clause (Vestries may order the owner to be rated instead of the occupier), in redemption of his pledge that he would give the vestries power to rate the owners compulsorily, and thanked the hon. Member for Walsall (Mr. C. Forster) for his exertions on this question. The owners were to receive 15 per cent for being compulsorily rated instead of the occupier; and if then they chose to compound for the empty houses, another allowance of 15 per cent would be made to them.

Mr. CHARLES FORSTER said, the clause gave effect to his suggestions on this subject, and on his own behalf and that of several other representatives of boroughs he expressed his obligations to his right hon. Friend for having carried it out. At the same time he felt that this was only a temporary measure, and would avail himself of any future opportunity of getting rid of the payment of rates as a condition of the franchise.

Mr. VERNON HARCOURT asked what was to be the inducement to owners to agree to compound under Clause 3 with an allowance of 25 per cent, whereas, if they held on, under this new clause, they would get 30 per cent?

Mr. GOSCHEN said, there were many places where the vestries would not act at all under the powers now given to them by this clause; while Clause 3 was optional both with owners and overseers.

Sir MICHAEL HICKS-BEACH objected to the allowance of 30 per cent in face of the decision of the Committee that 25 was sufficient; and called attention to the fact that with the allowance of 20 per cent under the Valuation of Property Act, it would in reality make 50 per cont. If he had the slightest hope of success, he would move that the allowance to the owners for compulsory rating should be 10 per cent instead of 15, so as to reduce the total allowance under this Bill to 25 per cent, the original proposal of the Government.

Mr. GOSCHEN said, that the 20 per cent under the Valuation of Property Act was merely legalizing the practice which now existed, of considering that the value of a tenement let at a certain sum by the week was less than the value of a tenement let at the same sum by the year.

Mr. CHADWICK remarked that they allowed the composition to be made in the metropolitan parishes up to £20, and asked why they should limit it in Liverpool, Manchester, Birmingham, and such towns to £8? He was quite sure that if this provision were adhered to it would create a sense of injustice in the minds of persons in the country. He suggested that the vestries should be allowed to decide whether the compounding ought not to extend up to £15.

Mr. COLLINS supported the Committee's limitation, and said, that to give such power to the vestries would be to introduce all the old evils and difficulties which existed under the local acts, by which, in some cases, deductions of 66½ per cent were made.

Mr. GOSCHEN expressed his concurrence in the observations of the hon. Member (Mr. Collins). In the speech made by the President of the Board of Trade on this point, he distinctly stated that where the line should be drawn was a matter on which the Government would be willing to act in accord with the general sense of the Committee, and they thought that the opinion of the Committee should be decisive upon the point. It would not be expedient to give power to the vestries to make any change, because it would give rise to a suspicion of jobbery, though he would admit that it would not necessarily lead to jobbery.

Mr. GILPIN said, he hoped the Government would adhere to the £8 principle in the provinces.

Clause *agreed to.*

On Motion of Mr. Goschen, a new clause was *added*—

(Evidence of making and publication of rates.)

"The production of the book purporting to contain a poor rate, with the allowance of the rate by the justices shall, if the rate is made in the form prescribed by law, be primâ facie evidence of the due making and publication of such rate."

Mr. GOSCHEN then *moved* a new clause—

(Notice to occupiers of rates in arrear.)

"Section twenty-eight of 'The Representation of the People Act, 1867,' with respect to notice to be given of rates in arrear, shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act."

Mr. VERNON HARCOURT appealed to the right hon. Gentlemen to give a little more time. Notice was to be given on the 20th of June, and that was the ordinary notice, no doubt; but as the lists were made up on the 31st of July, only five weeks were left to enable the occupier, who had already paid his rates to the owner, to find the money to pay them again to the overseer. The rate being the January rate, notice might very well be given in March or April.

Mr. GOSCHEN said, he thought it would be productive of much confusion if they fixed one day for the owner and another for the occupier. He would consider the matter, and if it could be easily done would cheerfully accede to the proposal.

Mr. CANDLISH thought more harm than good would result from introducing a new time of notice to the occupier.

Dr. BREWER said, he did not consider any longer notice necessary, as one week's rent would be sufficient to pay the rates due, which could be deducted from the five weeks' rent accruing.

Clause *added* to the Bill.

Mr. RATHBONE proposed a new clause after Clause 9 (One justice may act in certain cases).

Mr. COLLINS objected to the clause. It would place the borough and county magistrates in a different position; and besides that, it would give justices, in these particular instances, powers which they did not possess under the general law.

Mr. GOSCHEN said, he was afraid he could not accept the clause, which gave very extensive powers; among others, that of committing a man to prison, which it was very undesirable to give to one justice.

Clause *negatived.*

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 178.]

## CIVIL OFFICES (PENSIONS) BILL.

(*Mr. Dodson, Mr. Gladstone, Mr. Chancellor of the Exchequer.*)

[BILL 133.] CONSIDERATION.

Bill, as amended, *considered.*

A Clause (Pensions under this Act payable quarterly out of Consolidated Fund,) — (*Mr. Gladstone,*)—*brought up,* and read the first and second time; amended, and *added.*

MR. FAWCETT moved the insertion of a clause, that—

"None of the provisions of this Act shall apply to the tenure of the offices of Chancellor of the Duchy of Lancaster and Lord Privy Seal."

He said the object of the clause was to prevent the holders of sinecure Offices from receiving pensions under this Bill; and even from the remarks of the Prime Minister he thought he should be able to show that the two Offices named ought to be excluded from the privilege of pensions. He objected to the whole Bill, believing that it was vicious in principle and fragmentary, and that it met want in a very bad way, and thinking that if people were to have pensions for holding political Offices, they ought not to obtain them in the manner provided and under the conditions imposed by the Bill. What it did was to give a man a right to a pension under certain conditions, which were extremely objectionable; and it robbed these pensions of their great recommendation, because it gave no security that a poor man who really wanted and deserved a pension should be able to obtain one, for it limited the pensions to one a year, to be given at the option of the Prime Minister. The chief arguments advanced by the right hon. Gentleman, when he introduced the Bill, were that they were about to amend an Act which was passed in 1835, and that there was not to be found in the history of Parliament one so good, so economical, so wise as that of 1835. The right hon. Gentleman seemed also to assume that, because that Parliament passed that Act, this Parliament could not do wrong in following its example. They would, however, find that this good, economical, and wise Parliament in 1835 excluded the offices of Chancellor of the Duchy of Lancaster and Lord Privy Seal from all claims to pensions, because they were sinecure Offices, and the holders ought not to be entitled to pensions. Then the defence of these Offices was that they were held by men who could not do much administrative work for the sake of the value of their advice. That was all very good in theory; but how was it carried out in practice? The Offices were now held by Lord Dufferin and the Earl of Kimberley, two of the youngest men in the Administration, who were perhaps as capable as any in the Government of doing administrative work, and who were, it might be supposed, anxious to have it. Nor was this an exceptional case, for the Chancellorship of the Duchy of Lancaster in the last Liberal Administration was held by the President of the Poor Law Board (Mr. Goschen), one of the youngest and most active Members of it, and the Office of Lord Privy Seal in the same Government was held by the Duke of Argyll, who was by no means a worn-out man. Therefore the plea of these Offices being required to provide places for men who could not undertake administrative work or departmental labour absolutely fell to the ground. The second objection to the Bill was, that as the stipend paid to the Chancellor of the Duchy of Lancaster was paid by the Queen, it was introducing a new and a bad principle, as stated on a former occasion by the late Chancellor of the Exchequer, to pension a man from one source of revenue when his stipend was provided from another, but that the pension ought to be paid from the revenues of the Queen. The Prime Minister on that occasion said it would be interfering with the Prerogative of the Crown, and he could not consent to have the point raised. As to the Office of Privy Seal, a Select Committee, of which the present Earl Russell was Chairman, and of which Mr. Cobden, the President of the Board of Trade (Mr. Bright), Sir William Molesworth, and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) were Members, had reported, in 1850, that the Office was a sinecure and ought to be abolished; but that recommendation had received no attention, and, so far from abolishing the Office, we were, for the first time, about to confer upon it the privilege of a pension. The pensions might involve but a small amount; but a great principle was involved in the Bill. The Government had resolved to carry out economy and retrenchment, but we could not do that unless our economy and retrenchment were strictly impartial and just. If a discharged dockyard labourer came to a Member and said —"It is extremely hard that I, who have been in the service of the Government so many years, should be thrown out of it when labour is abundant, and that I should not have the means of maintaining myself and family;" the reply would be—"The interests of economy absolutely demand that not a single person should be employed by the Government if the services of that person can possibly be dispensed with." If the workman rejoined—"While you are discharging me you are increasing the number and area of the pensions which you are giving to Members of your own body;" the Member could only say—"It is impossible for me to reply to your objections; if you wish for an answer you must go to the economists on the Treasury Bench." He should certainly ask the House to express an opinion on the clause, which he concluded by moving.

Mr. MONK seconded the Motion.

Clause (Chancellor of the Duchy of Lancaster, &c.,)—(*Mr. Fawcett,*)—*brought up*, and read the first time.

Mr. GLADSTONE said, he hoped his hon. Friend would not think him disrespectful when he pointed out to him that no portion of his speech applied to the proposal he had made. His hon. Friend's speech was divisible into two parts. He objected to the principle of the Bill, and added that the Government were increasing the number of pensions, and that they were giving them to persons of their own class. That was not the case. His hon. Friend's speech was, in fact, full of inaccurate references. His hon. Friend had said that he (Mr. Gladstone) had praised the Parliament of 1835 for passing the Pensions Act. Now it was not passed at that time, and he never praised the Parliament of 1835. His hon. Friend had also said that he objected to the arrangement proposed by the late Chancellor of the Exchequer about the Duchy of Lancaster because it interfered with the Prerogatives of the Crown, but the fact was he made no such objection; it did not interfere in the slightest degree with the Prerogative of the Crown. He must enter a general protest against being bound by the recitals the hon. Member had made.

Mr. FAWCETT explained. He might have misquoted the date of the Act. It was either 1833 or 1835.

Mr. GLADSTONE said, he never mentioned the Parliament at all, and it was most important that the error of his hon. Friend, that the present Government were increasing the number of pensions, should not go forth without correction; because the fact was that the Bill diminished instead of increased the number of pensions, equalized the application of the principle of law, and imposed restrictions and greater responsibilities in granting them. He did not at all mean to say that the existence of these Offices was not a fair subject of discussion by the House; but the balance of argument preponderated in his mind in favour of their maintenance. He would, however, not say much in favour of their maintenance then, because it was irrelevant; but he would be ready to discuss it on another occasion. His hon. Friend had said that the Government defended the maintenance of these Offices in order that they might be held by persons who were not strong enough for administrative duty. He defended them on totally different grounds. His hon. Friend said that the Office of Lord Privy Seal was held in the last Government by the Duke of Argyll. That was quite true; and while the noble Duke held it he applied himself to the study of the affairs of India, and conducted the whole business of India in the House of Lords in the face of great authorities on Indian matters, and the knowledge that he acquired at that time enabled him to carry out all the great transactions connected with the change in the management. He mentioned that to show that it was not a mere pretence, but that there was a reality in the allegation that the holders of these Offices, having regard to the dual character of our Legislature, and the due representation of the Government in both Houses of Parliament, had constantly to perform most valuable public duties. His right hon. Friend the present Secretary for War held the Office of Chancellor of the Duchy of Lancaster under the Government of Lord Palmerston, and at that time he had applied to him he believed more than once, but certainly on one most important occasion, when he found that it was impossible for himself or the Secretary of the Treasury to undertake the task, to conduct the inquiry with respect to the most difficult and complicated questions connected with the adjustment of the sugar duties. His right hon. Friend undertook the conduct of the inquiry, and brought that long controverted matter to a termination, which was regarded as perfectly satisfactory, on the whole, to all the parties concerned. These were not by any means the only arguments he could adduce in justification of his position; they were only instances which he had chosen in order that the statement of his hon. Friend might not remain wholly unnoticed. But that was not the question then before them. If the House should at any time think that the political staff of the Administration ought to be reduced in numbers, and that those Offices ought to disappear, let them disappear. He, for one, did not think that it would be the death of the Constitution if they did. But it appeared to him to be wholly unnecessary to mix up with that question any sentimental allusion to the condition of the dockyard labourers; and he should say, with great respect for his hon. Friend, that it was hardly worthy of him to introduce upon the present occasion any such invidious topic. The question was if they were to maintain a law of political pensions in their statute book, what was to be the ground of that law? That ground, as it had hitherto been recognized, was that persons who had held high Offices in the State might be without private means, although they had shown great capacity in the public service, and that after they had held those Offices it would not be for the credit and therefore not for the advantage of the country, that they should be left in a state approaching to destitution. That was the argument on which the present law stood, and if his hon. Friend disapproved of that law let him propose its repeal. The Government were then only endeavouring to improve the existing law, and to make it more consistent in its application. The argument of the discredit which would be reflected upon the country by the need and penury of persons who had held high public Offices was just as applicable to the Offices of Chancellor of the Duchy of Lancaster and Lord Privy Seal as to any other Offices in the State. If they disapproved of those Offices let them abolish them, and then the pensions that attached to them would, of course, also be abolished. What he contended was, that as long as those Offices existed their holders ought not to be excluded from the right to a pension. That was the point which was then really at issue, and it was one upon which he thought the House was competent at once to decide.

MR. WHITE said, the right hon. Gentleman had informed the House that he had not sought to justify the pensions which were now about to be attached for the first time to certain Offices by a reference to the Parliament of 1834, The right hon. Gentleman had, however. pointed to that Parliament as a model Parliament. [MR. GLADSTONE: I used the word "period," not Parliament.] Well, the right hon. Gentleman, at all events, spoke of that period as being characterized by the existence of one of "the most honest, upright, and thrifty Administrations ever known in England." Yet, although during that "model period" a Bill was brought in with the object of conferring pensions on noble Lords, right hon., and hon. Gentlemen who had filled sundry Offices, yet the "honest, upright, and thrifty Administration" of that day did not think proper to include the holders of the Offices of Lord Privy Seal and Chancellor of the Duchy of Lancaster in the list of those who should be eligible for pensions. He hoped the honest and upright Parliament of the present day would imitate their example.

MR. M. CHAMBERS said, the argument of his hon. Friend the Member for Brighton was, as he understood it, that those were sinecure Offices, and that no pensions ought, therefore, to be attached to them. The right hon. Gentleman the Prime Minister said, that after persons had been appointed to high Offices, it would be wrong that they should not have pensions granted to them. [MR. GLADSTONE: No!] Well, if that was not the statement of the right hon. Gentleman, his (Mr. Chambers') intellect was very confused.

MR. GLADSTONE: Shall I explain?

MR. M. CHAMBERS: By all means.

MR. GLADSTONE: I stated in the most distinct and explicit manner that no man, whether he holds a sinecure Office or any other Office, acquires, in my judgment, under the existing law, or would acquire by the present Bill, any title to obtain a pension.

MR. M. CHAMBERS: The right hon. Gentleman, at all events, said that it would be a disgrace to the country if, after a man had held high political Office, a pension were not granted to him, and he was left in a state of destitution. It was true that by this Bill no absolute title to pensions was given; but certain named officials after a certain period of service were qualified to receive them. They had heard from the Prime Minister that, while filling the Office of

Lord Privy Seal, the Duke of Argyll had time to devote himself to the study of Indian affairs, and to transact a great deal of the business connected with the government of India. Now, he did not think it was right to give any man a pension or a claim to a pension for having filled an Office which was so much of a sinecure that the holder was able to be a student in acquiring knowledge not connected with the duties of that Office. He considered, therefore, that the proposal of his hon. Friend the Member for Brighton was a reasonable one, and that it ought not to have been treated—he would not say contemptuously, because there was no such thing as contempt in that House—but coldly by the Government. He could understand the propriety of granting a pension to a Chancellor of the Exchequer or a Secretary of State—Ministers who worked hard and rendered great service to the country; but as, whenever pensions were asked for persons who had filled humble positions, the economists were sure to object, he could not understand the proposal of the Government to give pensions to the Lord Privy Seal and the Chancellor of the Duchy of Lancaster; or, as the number of pensions was limited, the justice of placing them upon an equality with the more laborious and responsible Members of the Cabinet.

DR. BREWER was of opinion that the proposal of the Government was a concession to public opinion. That proposal was not to give pensions to persons who had held sinecure Offices, but to enable the Government to give pensions to men who had held high Offices in which they performed service to the State, and whose circumstances rendered it desirable that they should receive pensions. They might have such a man as Mr Burke in the House—a man occupying an inferior position in the House, but taking a leading part and occupying himself in most laborious labour; and that man might suddenly become paralysed, and it would not be endurable that such a man should find himself without the assistance which the country could render him. His talents might even have saved the country from an engagement in an unjust war. Such a man should have an opportunity of applying to the Prime Minister for a national allowance.

THE CHANCELLOR OF THE EXCHEQUER said, that the policy of this Bill was not, as the hon. and learned Member for Devonport (Mr. M. Chambers) and the hon. Member for Brighton (Mr. Fawcett) seemed to suppose, that certain persons should become entitled to pensions. No title to a pension was given to anyone by this Bill. That was to be clearly understood. No person, no matter how great or how brilliant his services, or how abject his poverty, would be entitled to a pension by reason of the passing of this Bill. Under certain conditions the holders of particular offices might become recipients of pensions. Among those Offices were that of the Chancellor of the Duchy of Lancaster and that of the Lord Privy Seal. It was argued that these two Offices ought not to exist, and that, therefore, no pension should be given to persons who had held them. That was not the question. The Offices existed, and the question was whether they should come within the meaning of this Bill. What was the policy of the Bill? The hon. and learned Member for Devonport said it was this—that when a man had held high Office of any kind he should have a pension. With great submission to the hon. and learned Gentleman, that was not the policy of the Bill. The policy of the Bill was that when a man had held an Office of importance and dignity it was not to the credit of the country that he should be allowed to fall into abject poverty; and that, in the rare and singular cases where there was a danger of such a thing happening, it should be in the power of the Prime Minister of the day, he being satisfied that the person was unable to maintain his position in life, to give him a pension. But this Bill did not entitle anyone to a pension for any service, however long, or however laborious. He could not doubt that the Offices of Chancellor of the Duchy of Lancaster and the Lord Privy Seal should come within the Bill when it went so much lower in the official hierarchy. That was the question—whether these two Offices were of sufficient dignity to render it desirable that persons who had held them should be placed among those to whom under the circumstances he had mentioned the Prime Minister might give pensions.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided*:—Ayes 36; Noes 68: Majority 32.

Mr. FAWCETT rose to propose the insertion of the following clause:—

"After the passing of this Act any person who applies for a Political Office Pension shall make such an application in writing to the Prime Minister; this application shall contain a statement of the various political offices which the applicant has held, and the time during which he has continued in each office; the applicant for a pension shall declare that in consequence of accepting a political office under the Crown he was obliged to relinquish some trade, employment, or profession, from which he obtained a maintenance; and that upon leaving office he is left without adequate maintenance, because he cannot resume the trade, employment, or profession which he had previously relinquished."

His object in proposing the clause was to strike a direct blow at the whole of the pension system. If hon. Members would recollect what the present declaration was and some of the results to which it led, they would agree with him that this Pensions Bill ought not to be allowed to pass until that declaration was repealed. They had been told that the object of the Bill was to prevent distinguished men from falling into poverty. If the operation of the pension system was to give pensions to poor men only, who had rendered distinguished service to the country, he should be the last to object to that system, because he agreed with the Prime Minister that it would be a scandal to the nation if men, after holding distinguished Offices, and after having rendered distinguished services, should be allowed to sink into poverty. In his opinion, the present Bill would not have that effect as long as the present declaration was retained, because it allowed the pensions to be given to those who did not require them. The present declaration merely required a man to state that a pension was necessary to enable him to maintain his station; and, therefore, it established the vicious and bad principle that the position of an *ex-officio* Member was different from that of a private Member of that House. To illustrate his argument he would refer to two or three cases: but, as it would be invidious to mention names unnecessarily, he should refrain from doing so, unless the House required him to state them. An hon. Member sat for many years in this House. He was in no profession. He never relinquished an iota of income. He held Office for six or seven years. At the expiration of that time he made a declaration that the pension was necessary to enable him to maintain his station. Now he (Mr. Fawcett) would like to ask what was the position of that Gentleman when he made that declaration? Why he had his town house, his country house, his shooting box, and his yacht; and yet he declared that a pension was necessary to support his station in life, and he was allowed a pension of £2,000 a year. The reason he was opposing this Bill was to prevent a repetition of such gross scandals as that to which he referred. He would mention another case, and as the circumstances attending it were matters of notoriety, he had no difficulty about acknowledging that he referred to that of Lord Clarence Paget. That nobleman left the Navy for a time, and came into that House. By doing so, he rather gained than lost promotion in his profession. Not only did he enjoy a high salary while in the House, but when he resigned his seat in order to take the command of the Mediterranean Fleet, having made the necessary declaration, he obtained a pension of £1,200 per annum, to commence when he relinquished his naval command. He (Mr. Fawcett) maintained that this was a state of things which could not be defended. But how had the subject been treated in the public newspapers? Why, that very newspaper which supported the policy of the Administration with ecstatic and sentimental enthusiasm, after he had raised the discussion, took the ground that as seats in the House were becoming more costly every year, it was only right that pensions should be granted to those who succeeded in obtaining Office. Throughout the whole argument it was assumed that the end of every successful and useful politician must be to obtain Office. But were there no men in that House who had been successful and useful politicians except those who obtained Office? He maintained that all the arguments employed in favour of this Bill could equally be applied in favour of the payment of Members. He did not mean to declare that a poor man who had served his country faithfully should be deprived of the opportunity of obtaining a pension; but he meant to say that the Bill did not give sufficient security that the pensions which were granted would really be enjoyed by poor men. On the contrary, he was convinced that, if the declaration were not altered, pensions would be granted to men who ought certainly not to receive them. It was rather a dangerous doctrine to lay down, as this Bill tended to do, that those only were successful politicians who took Office. All the experience of the last century went to prove the contrary. No one, for instance, could be pointed out within that period who was more distinguished, or who had done more valuable political services to the country than Richard Cobden. And with such examples in view, were pensions needed to induce men to render service to the State? He by no means wished to put an end to pensions altogether, but his object was to do away with the present declaration, and to substitute for it a declaration to the effect that the Member on taking Office was obliged to relinquish some trade, employment, or profession — not some lucrative trade, employment, or profession, as he was represented to have said, but one which provided the Member, at the time of taking Office, with a maintenance—and which, on quitting Office, he could not resume, and was, therefore, left without adequate means. A declaration of this character would have prevented the occurrence of a scandal like the case of Lord Clarence Paget. From the whole tone of discussion in the House, as well as in the public Press, the Pensions Bill would seem to have been defended upon the plea that men required pecuniary rewards to induce them to do their duty in Parliament. He asserted that the moment pecuniary inducements to enter the House of Commons were held out, a blow, well-nigh fatal, was struck at Parliamentary government. At the height of the financial mania, in 1865, an impression sprang up throughout the country that a seat in the House of Commons was of considerable pecuniary value, owing to the income which it enabled men to make out of directorships, and a feeling of distrust was excited, which it would take long to eradicate, with regard to all commercial legislation. It was therefore of great moment to discourage, as much as possible, the prospect of pecuniary emoluments being obtained by men who entered Parliament. If ever there was a fragmentary and unsatisfactory measure he believed it to be the present Bill. With the doctrine laid down by the Prime Minister, that a man having once held high Office should not be allowed to sink into poverty, he entirely agreed; but how did this measure meet the supposed case? As far as he could understand, the pensions were absolutely at the disposal of the Prime Minister. Therefore, however poor a man might be, his obtaining a pension at all was a matter of great uncertainty. If he should happen, just before he became entitled, to displease the Prime Minister, he might lose his pension, which might be given to somebody who had shown himself more subservient. The declaration was left by the Bill in such a form that the evils which had happened in the past might happen again in the future, and they might have the scandal repeated of a man who lived with all the appearance of wealth and luxury, who kept a town house, a country house, and a yacht, retiring on £1,500 or £2,000 a year pension, which he declared to be necessary to the maintenance of his position. The hon. Member concluded by moving his clause.

Clause (Declaration of relinquishment of trade,)—(*Mr. Fawcett,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. GLADSTONE said, his hon. Friend had referred to what was undoubtedly the most intricate part of the whole question. He wished to point out, however, that, if there were difficulties in connection with the declaration, they had arisen in consequence of the indisposition of Parliament—a wise and just indisposition, he considered — to admit the dignity of the Office held by any public man, the length of time he had served, or the amount of service he had rendered, to constitute in themselves a title to a pension. For his own part, he should object extremely to admit any of these grounds as a title to a pension, and the phrase itself had been erroneously used in debate. The question really was how they could most effectually hedge about the pensions granted by the Bill, under certain circumstances, so as to prevent abuses. His hon. Friend had selected two cases for remark. It was invidious to the last degree to make observations upon particular cases; and had his hon. Friend been in a mood of perfect impartiality, while condemning the Bill as fragmentary and mentioning the case of a gentleman who, having had a salary of £2,000 a year, took a pension of like amount, he would have remembered that under the present Bill nothing of the kind could happen. [Mr. FAWCETT said he was aware of that.] And, further, he would have remembered that the particular abuse which he denounced would be prevented by the Bill. ["No, no!"] Yes, as far as the culminating point of the case went—which certainly was a very staggering one — of a gentleman with a salary of £2,000 obtaining a pension of £2,000 a year, for the pension in respect of such a salary would not at the utmost exceed £1,200. He confessed that he did not see his way to any provision for substituting machinery of any other kind for the declaration at present taken, though the point no doubt deserved consideration. But when the House came to judge of the operation of any measure they would naturally look at its whole scope, and if reference were made to the list of pensions, granted under the Act of 1834, though they might not have succeeded in excluding every questionable case, the real question was whether the object of that Act had not been attained. He greatly doubted whether, at any period since the Act had been passed, one-half the pensions authorized by its terms had been in existence, a fact the significance of which could not be too well weighed by hon. Members. He hoped that, under the provisions of the present Bill, at least a similar reserve would be maintained in future. His hon. Friend by the clause which he proposed had not got rid of any portion of the difficulty of the declaration, and the clause seemed to rest upon a principle which could not be sufficiently defended in argument. Any honourable and right-minded man ought to have no very great difficulty, he thought, in forming a conscientious and intelligent judgment as to whether his private fortune was adequate to the maintenance of his station or not. The large majority of those who had received pensions under the Act had made the declaration under conditions with which, he thought, the most fastidious could not find fault. It would often be a difficult thing, however, for a man to say that he had relinquished a trade, profession, or employment. He had been told by one of the most eminent surgeons in London that a medical man required to have his brass plate on his door and to challenge public approval for twelve years before he could expect to pay his way. Could such a gentleman, although by investing his capital and walking the hospitals he might insure a future fortune, be said to have relinquished a trade or profession by which he made his livelihood? Take a case in mercantile life. Take the case of one of these directors, to whom the hon. Member had referred. He did not know into what pitfalls a man might not slip if he were called upon to declare that he had relinquished an employment from which he obtained a maintenance, when they considered how precarious and doubtful the sources of maintenance must be in the present complicated state of society. He admitted his hon. Friend's object to be good, but he objected to the principle of his clause; because he thought it would be unwise to say that they would recognize the title of men who, provided with ample means, came into that House and obtained pensions in case of their need, but that they would not recognize the title of men who had never had a trade, employment, or profession in the strict sense, but who from the earliest days of their manhood had devoted their time, mind, thought, and all the powers of their body and soul to the service of their country. Was that an unimportant class of public men? Let them turn to the page of history, and they would find that a very large proportion of the men who had conferred the most distinguished services upon their country were men who had never relinquished a trade, profession, or employment which had afforded them a maintenance, and yet they were the very men on whom a pension ought to be conferred. He would not enter into minute details, he would only take four names which occurred to him at the moment—Burke, Fox, Pitt, and Canning. He would rather erase from the statute book the whole of this legislation on pensions than have a system of legislation so clumsily contrived as to be incapable of including them. Under these circumstances, although he did not deny the difficulties of the question, he was willing to consider whether any practical improvement could be made in the machinery of the law, and he trusted that his hon. Friend would not require the House to express an opinion on the clause he had proposed. He fully admitted the justice of purpose with which he had framed it; but he did not think it would be adequate to attain the end he had in view.

Mr. GILPIN said, he hoped that the hon. Gentleman would withdraw the clause; but, at the same time, he thought that it would be very desirable that gentlemen claiming pensions should be required to put into writing the length of time they had served in any Office, and that they were not in a position to maintain themselves, on their own resources, in a position of comfort and respectability.

Mr. FAWCETT said, he would not put the House to the trouble of a division.

Motion and Clause, by leave, *withdrawn.*

Clause 3 (Limit of amount of pension).

Mr. FAWCETT said, that he had three Amendments on the Paper, in regard to which the Government had consented to meet him half-way. The House would remember that under this Bill there were three classes of pensions. In the first class, pensions were granted after "four" years' service; he proposed "five" instead of "four;" but the Prime Minister had objected, and therefore he should not press the Amendment. The Bill proposed, in the case of second-class pensions, that the time of service should be "five" years; he proposed "seven;" the Prime Minister had consented to "six," and to that compromise he (Mr. Fawcett) gladly assented. As to the third class of pensions, the Bill fixed "five" years of service; he proposed "ten," and the Prime Minister had accepted the Amendment. He begged to move these Amendments respectively.

Mr. SCLATER-BOOTH said, he thought that this was rather a serious change, and would exclude almost every claimant from the third-class pensions. The House ought to know on what ground the Government had acceded to it.

*Mr. Gladstone*

Mr. GLADSTONE replied that ten years was the term fixed by the existing law; and, after consideration, the Government did not think they would be justified in departing from it.

Amendments *agreed to.*

Clause, as amended, *agreed to.*

Clause 6 (Pensioner not to hold pension under another Act).

Mr. GLADSTONE, in moving an Amendment, to the effect that any salary received by a pensioner from the public service shall go in suspension or abatement of his pension, said, that if this Act purported to give pensions as of right, and earned by service, they must be given whether the persons receiving them had other public employments or not. Inasmuch, however, as it depended upon the actual need of the pension, it would be right to declare that this pension ought to be a pensioner's only public emolument, or that, if he received any other emolument, it should go in suspension or abatement of his pension. The right hon. Gentleman moved, in page 3, line 1, after "Act," leave out to end of clause, and insert—

"Was at the time of his application for such pension, or is afterwards entitled to any emolument (including in the term any salary, compensation, superannuation allowance or pension), which is payable out of any monies raised by taxation or of other public revenue in any part of Her Majesty's dominions, or is received by way of fees or otherwise in respect of his holding any public office or employment in any part of Her Majesty's dominions, the payment of the pension under this Act shall, so long as he receives such emolument if the amount thereof is greater than or equal to the pension under this Act be suspended, and if less be diminished by the amount of such emolument; and if any person is at the time of his application for or while receiving a pension under this Act entitled to any such emolument, he shall forthwith deliver to the Commissioner of Her Majesty's Treasury a declaration under his hand stating the nature and amount thereof."

Mr. FAWCETT stated that this clause was brought up to remedy the defect he pointed out in the original Bill, which would permit a man to hold two pensions. One instance of this kind was well known to the Government; a man holding a diplomatic pension also held a Civil Service pension as a permanent Under Secretary of twelve years' standing.

Mr. GLADSTONE expressed his obligations to the hon. Member for having called attention to the matter.

Clause *added* to the Bill.

MR. RUSSELL GURNEY asked the Prime Minister whether it was the intention of the Government to exclude the holders of the Office of Judge Advocate General from those entitled to pensions, and suggested the propriety of including it?

MR. GLADSTONE said, he was bound to confess that his arguments in opposition to the hon. and learned Member on this point upon a former occasion were not well founded, and he would gladly include the Office of the Judge Advocate General, if the feeling of the House were in favour of doing so.

Amendments made.

Bill to be read the third time upon *Monday* next.

### GREENWICH HOSPITAL BILL.

(*Mr. Trevelyan, Mr. Childers, Mr. Adam.*)

[BILL 105.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. LIDDELL rose to move that the Bill be referred to a Select Committee. This Bill involved questions of a financial character, questions of a national character, and it also involved considerations of a personal character; and, on all these grounds, he wished to obtain for this Bill careful consideration at the hands of the House. The great complaint against this Bill was that it was at variance in its main provisions with the Report which had been presented, and he thought the Admiralty were bound to adduce good reasons for departing so widely as this Bill proposed from the recommendations therein contained. One of the recommendations was that Greenwich Hospital should continue as an infirmary, but on a much larger scale than at present; and it was proposed to facilitate admission to the infirmary by requiring less harsh conditions; and it was proposed to reduce the expenditure to the lowest point consistent with proper care and attendance upon those who would become inmates by right of the infirmary. What did the Bill do? It proposed, in very few years, to abolish Greenwich Hospital as an institution altogether. It proposed to induce the largest number possible of the present inmates, by a bribe, or at all events by a very liberal scale of pensions, to leave the Hospital, and it proposed to distribute among the hospitals of the country those infirm and disabled men who had been maintained at the expense of Greenwich Hospital. The case turned upon the question whether the House should be guided by medical evidence in the decision it might arrive at as to men disabled in the service; and as to these men the head surgeon of Haslar Hospital (Sir David Deas) declared he would not undertake to maintain the proper discipline of the Hospital if pensioners were admitted to it; and when asked whether an additional ward would alter the case, he asked—"What am I to do with the many applications which are constantly made by disabled men, incapacitated from maintaining themselves through disease contracted in the service?" In fact, all medical men were against the scheme. The present Bill proposed to manage Greenwich Hospital as a subordinate department of the Admiralty, and proposed that the audit of its estates should be conducted by the Admiralty. It was proposed to repeal the 4 & 5 *Will.* IV., c. 4, an Act which was founded on a scheme of deep and wise State policy, the object of which was, first of all, to encourage men to enter the naval service, and then to call upon the tax-payers of the country to contribute their quota towards the maintenance and comfort of those who had been disabled in the public service. That was a burden against which no tax-payer ever had raised, or, he believed, ever would raise a single note of complaint. The tax-payers of the country were proud of their Navy, and, provided the resources of Greenwich Hospital were wisely distributed, no word of complaint would be ever heard. And now we were about to deprive Greenwich Hospital of a sum of £16,000 in hard cash. By the Act of 1865, the Exchequer claimed £15 per head for every man that fell short of 1,400, which was held to be the average number that Greenwich Hospital was bound to maintain. This claim of the Exchequer to relieve itself from contributing to the maintenance of the public servants had been regarded by every one who had inquired into the subject as inequitable. The Commissioners of 1859 condemned such a plan, and expressed their opinion that, in the question between the Crown and the Hospital, the pensions saved by the exchange ought to be applied not to the benefit of the Crown, but of the Hospital. The Committee of last year also said that they were unable to admit the justice to the Hospital of a claim which required that £15 per head should be paid to the Consolidated Fund for every man short of 1,400. And the Accountant General, Mr. Walker, said he could tell the facts; as to the principle he could not explain it, because there was no principle in it, and he considered it an inequitable arrangement. Now, he asked the House to pause before it relieved the Consolidated Fund of this charge which was applied to the benefit of the Navy. This was a bad time for reducing the income of the Hospital by this large sum of £16,000; because there would be a much greater strain upon its resources for the future, in consequence of the terms of the Act, which made it easier for the sailor to acquire admission; the result of which would be that there would be a greater number of applications than before. Another point to which he wished to direct attention was that the Bill recognized for the first time, and most justly recognized, the claims of merchant seamen to some share in the emoluments of that Hospital, especially now that its finances were in a flourishing condition. A sum of £4,000 a year was to be placed at the disposal of the Board of Trade for the benefit of merchant seamen, especially of those who had formerly paid 6*d.* a month out of their wages towards the Hospital. He had only wished the amount was larger; but he apprehended if would be found that the number of men entitled to be pensioned out of the sum was considerably larger than the Government anticipated. There was a financial point also that ought not to be overlooked. By the 13th clause of that Bill a new mode of account was proposed that he thought a most objectionable one; which was that in future the proceeds of the rent and profits arising from the estates were to be paid to the account of the Paymaster General at the Bank of England, after deducting all the costs of the estates. It was very objectionable that any part of their control over those revenues should be withdrawn. Mr. Anderson gave it as his opinion that the Commissioners of Audit were the proper persons to audit those accounts, as they embraced transactions which were better audited by an independent department, more especially when they came to deal, as was the case in this instance, with questions of capital and income. But under that Bill there would be no independent audit at all of those accounts; and unless the Committee of Public Accounts were satisfied with the efficacy of the audit under that measure, he thought it would be their duty to direct attention to the matter. The next point to which he came was a national one. He wanted to know what the Government intended to do with the building; because he need not remind the House that Greenwich Hospital had in the mind of the country peculiar associations, and was endeared to it by its many traditions? The Bill proposed to deal with the building in a very off-hand manner. It took power to hand it over to any charitable or public purpose, with or without requiring rent, and on such terms respecting repairs as the Admiralty might think fit. He was bound to say that the country would not approve of the building being applied in that off-hand manner to any purpose to which the Admiralty might think fit to apply it. He should like to know what purpose it would really be turned to; for if they once parted with the building, and located there anybody, however useful or charitable its purpose might be, there would be great difficulty in getting it out again? Questions of compensations arose, and the country might at any time have 1,000 men landed on its shores in a disabled state without having an available place to receive them. The House ought, therefore, to be told distinctly to what purpose the building was to be applied before the Government parted with it. The Hospital, moreover, was constructed out of endowments, and ought not to be transferred as a free gift to any body that wished to have it. Again, the Bill proposed to abolish the office of Mr. Lethbridge, the controller, who also filled the office of solicitor. Those two offices were combined under the Act of 1865, and a salary of £500 was attached to each of them. Mr. Lethbridge's total official income was, therefore, £1,000 a year. Although he might not have a legal claim to compensation, he had a strong moral claim to it; for he had filled the office of solicitor for twenty-four years, during the last four of which he had also acted as controller, and attention to his official duties had to a great extent involved the abandonment of his private practice. He was to hold his appointment *dum se bene gessit*, and had never contemplated its abolition by Act of Parliament. He (Mr. Liddell) also wished to know under what circumstances Mr. Bristowe, the solicitor to the Admiralty, was to undertake the further duties of solicitor to the Hospital. A few years ago Mr. Bristowe had appealed to the Admiralty on the ground that he was overworked, and had asked for help. The result of the appeal was that an allowance of £300 a year for the payment of a clerk was made to him. He had asked to be permitted to appoint his son assistant solicitor; but to this the Duke of Somerset objected, and he then appointed his son as his clerk, at the salary of £300 a year. How was it that Mr. Bristowe, after declaring that he was overworked, had undertaken these additional duties? He admitted that the pensions which the Government proposed to bestow on those who were disabled in the service were very liberal; but these were men borne down in the service by such diseases as rheumatism, ague, asthma, or consumption, to whom no money allowance would make up for the loss of good beds, comfortable well-ventilated chambers, wholesome diet, and regular and tender medical administration. We had the best infirmary in the world, and we should continue to maintain it for the benefit of these sufferers in our service. Believing that the right hon. Gentleman the First Lord was wise in his legislation of 1865, he was, nevertheless, of opinion that he was now riding his hobby too hard, and pushing his policy to such an extent that he would do violence to the feelings of the nation, and prejudice the interests of the British Navy. In conclusion, the hon. Gentleman appealed to the House to support him in the Motion he now begged to make—namely, that the Bill should be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," —(*Mr. Liddell,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

CAPTAIN STANLEY said, the observations he was about to make must only be accepted as the expression of his own opinion, inasmuch as, from the exceptional circumstances of the late Parliamentary Recess, he had been unable to hold any consultation with his late Colleagues on the subject. He had nevertheless thought it his duty to consider as fully as possible the recommendations of the Committee, and to see how far any sufficient legislation could be founded upon them; and he wished here to express his sense of the extreme ability and energy of the Committee, and of the ability with which his predecessor, Mr. Du Cane, presided over it, and drew up its Report. The treatment of this question appeared to have been a hobby with every Civil Lord of the Admiralty. They had all tried to introduce some new plan of regulations for the Hospital, and he thought it was generally agreed that Greenwich Hospital had in some degree suffered from the treatment. He might classify all the recommendations which had been made as coming under two heads—first, those which tended to fill the Hospital, and utilize all the large buildings of which it was composed; and secondly, those plans which were rather directed to extending the benefits of the institution, without much reference to the great central establishment. He admitted that the recommendations of the Committee of 1867 pointed to the first of these courses; but he confessed he should not have felt justified in embodying those recommendations in a Bill without first carefully examining the estimates and ascertaining as far as he could what they would be likely to amount to in future years. There was invariably a tendency in establishments of this kind for salaries to increase; and the First Lord would bear him out in the assertion that no inconsiderable portion of the duty of the Admiralty authorities was to resist the constant and urgent appeals which were made for the increase of salaries. In his opinion a wider margin should have been allowed for possible variations under this head. Another objection to the re-creation of of such a great establishment was that such establishments could not well be elastic in their nature. It was necessary to draw a "give-and-take" line between the minimum and maximum requirements of the institution. The operation of the Act of 1865 at once produced a very considerable diminution in the number of in-pensioners, the number falling from 1,382 to 395; while of those left in the Hospital not a few were left merely because they could not comply with the conditions which were necessary to allow them to leave it. From those who had left the Hospital there had been but few applications for re-admission, and the rate of mortality among them had been only about half what it was in the Hospital. He was of opinion that the Act of 1865 had operated very favourably for the interests of those who were principally concerned—namely, the pensioners themselves. The Duke of Somerset, in a memorandum dated April, 1864, said that one portion of the Hospital had been well administered, and that while the great body of pensioners could only obtain the advantage of residence in the institution by the sacrifice of freedom, domestic comfort, and social independence, the helpless and infirm, who who had no relations, found judicious care and kindly attention there, and his Grace recommended that the Hospital should be restricted to the latter use, and that any surplus should be applied for the advantage of the fleet. If those observations applied to the class of pensioners which then existed, they applied more forcibly to the present class of men, whose claims it would be impossible wholly to ignore. Those expressions applied to old men-of-war's men, who, however much they might object to restraint, were not unaccustomed to it. In any legislation upon the subject at the present time it would be necessary to provide for the participation of the merchant navy, who would find the necessary restraint of Greenwich Hospital much more irksome, as they would not be used to the same amount of discipline, and from their previous habits and lives they would not be as likely as men-of-war's men to conform to such restraint and discipline. He attached much importance to the provision respecting the admission of invalids to Greenwich Hospital. He thought that the hon. Gentleman seemed to attach undue importance as to those applicants who were not entitled under the pension rules to the benefits of the institution, but who, nevertheless, had seriously damaged their health either by service or by disease. He understood that under this Bill it was proposed in some measure to recognize not the legal, but the moral claims of these applicants, and therefore the question of hardship raised by his hon. Friend fell to the ground when read by the light of the speech made by the hon. Member when the Bill was laid on the table. It would appear by that speech that the object of his hon. Friend was to gather together the greatest amount of money he could, and to apply it to the wants of those whom the Government believed to be entitled morally or otherwise to the benefits of this institution. The Government were the best judges as to whether the cases referred to by the hon. Gentleman ought to be sent to a Government hospital or to Greenwich. With regard to what had been said as to the accounts, with some exceptions, he thought that on the whole the system of accounts referred to in the Bill would be found to be advantageous, particularly if they were kept with reference to the system in the department of the Accountant General likely to be adopted. One point he did not contemplate with so much pleasure was the application of the building. He thought it would be more satisfactory, supposing the Government were not in a position to inform the House what they meant to do as to the building, if the clause respecting it were struck out of the Bill, and if a separate Bill with respect to it were brought in at a future day. To whatever purpose the building might be applied he hoped it would not be diverted from those naval purposes for which the Hospital funds were originally given, but that it would be devoted for the benefit, if not exclusively of the Royal Navy, at least for the benefit of seafaring men. It had been said that considerable inconvenience would arise if the building were given over for the purposes of any particular society. He did not speak without some knowledge of this part of the question; and he confessed that he had not been able to satisfy himself as to the possibility of giving it up entirely to the use of any society. He need not say more than a few words as to the controllership. He certainly did think that it was rather a matter of hardship, because an additional appointment was given to the present controller four years ago, that that officer should lose not only the appointment then created, but the appointment which he held, he believed without complaint, for a long time prior to that when the affairs of Greenwich Hospital were brought under the attention of Parliament. He was glad his hon. Friend (Mr. Trevelyan) did not propose in the Bill any forced sale of the Greenwich

Hospital estate, and looking to the results, either in a commercial view or with reference to the interests of the Hospital, of former proceedings on that point, he thought the hon. Gentleman had done better by keeping the estate in his own hands. With respect to the Greenwich livings, there appeared to be among naval men a remarkable unanimity in favour of conferring them upon naval chaplains who had efficiently served their country afloat, and who in their old age were anxious to settle down to a somewhat less roving life; but he certainly felt bound to confess that the interests of the future pensioners ought, whatever arrangements might be made, to receive careful consideration. The hon. Gentleman had not paid much regard to the suggestions of the Committee with respect to the schools. There was much to be done on that point, ably as the schools had been hitherto managed. If the hon. Gentleman wished to carry the Bill this Session he ought not to attempt to do too much at once. He would ask his hon. Friend near him (Mr. Liddell) whether any definite advantage would be gained, which could not be gained in a Committee of the House, by sending the Bill to a Select Committee. Considering the time of the year he doubted whether any practical result would follow the sending the Bill to a Select Committee. Though not concurring in all the provisions of the Bill, he still had every confidence in his hon. Friend, who, he believed, desired to carry out this measure as a continuation of the Bill of 1865, and he was convinced that the details might be so adjusted as to lead to the benefits of the institution being conferred upon those entitled to them. He had not, therefore, felt it his duty to offer any opposition to the measure, which he believed was capable of being properly moulded in Committee, without adopting a course which would probably lead to its postponement.

MR. TREVELYAN believed, with his hon. Friend who had just down, that at this period of the Session it would be much better for the House to go into Committee on the Bill than to send it upstairs. There were three sets of circumstances under which a Bill was referred to a Select Committee. When the subject was fresh, and information was needed; when the details were abstruse and complicated, and could be discussed better in a room upstairs than in a Committee of the Whole House; and when the Government wished to shift responsibility. None of these conditions existed here. The subject had been well thrashed out by previous Committees and Commissions. The provisions of the Bill were simple, and the Government were quite prepared to treat the question on their own responsibility, and he submitted that that was the proper mode of proceeding. As to the principle of the Bill, it was this—There were at present large numbers of permanently invalided men who had lost their health in the service of the country, but who had no valid claim under existing regulations, though they had a strong moral claim. The Admiralty could only benefit these men by scraping together all the money upon which they could lay their hands, and this was exactly what they had done. The savings pointed out by the Committee were savings on paper only; but the saving shown by the Government was a genuine saving, which would be effected by inducing men to leave the Hospital, where they were kept at great expense to the country, and go to their homes, where they were more comfortable and were maintained at a much smaller expense. That was the key-note of the whole scheme of the Government. The money they had to spend would be spent in the way the men liked best; not in keeping up a Hospital at a great expense to the country, and with no special benefit to the men themselves. With regard to Mr. Lethbridge, whose claim for compensation had been mentioned, that gentleman, up to 1865, was merely paid fees for work done, like any other solicitor employed by a private client. In 1865 he was appointed a salaried officer at £500 a year, but it was specially provided at that time that the appointment was a personal one, giving no claim to compensation or a retiring allowance. It was true that Mr. Lethbridge was also appointed controller at a salary of £500 a year, but that appointment rather weakened than strengthened the claim, for the office was uncommonly like a sinecure. In proof of this, he (Mr. Trevelyan) was going to undertake the duties without a farthing of additional remuneration, while Mr. Bristow, the solicitor to the Admiralty, was going to undertake the legal duties, the heavy part of the work being done, as a rule, by the solicitors in the North. How could the Government, under these circumstances, be asked to give any compensation to Mr. Lethbridge? If they did, the Government would be the only body of persons in the country who were not protected by the black and white of a written contract? His hon. Friend had complained that the audit had been proposed to be transferred to the Treasury Department. The clause authorizing that transfer had been recommended by the Commissioners; but, on consideration, the Treasury had dropped that clause. He considered the proposed measure, to use the words of the hon. Member for Northumberland, economical and lenient—economical, because it made the money go as far as possible; and lenient, because it made the money go as far as possible in the direction in which the recipients desired it to go. He therefore confidently recommended the measure to the favourable consideration of the House.

SIR JOHN HAY said, having been on the Commission in 1859 and 1860 which considered the subject of Greenwich Hospital, and having also been a Member of the late Government which took this matter into consideration, he could not give a silent vote upon it. His own opinion was that further inquiry into the matter was necessary, before legislation was adopted. The present Bill carried out, but not in the way recommended by the Commissioners, certain of the principles laid down by them, but it was directly in the teeth of the recommendations of the Committee appointed by the late Board of Admiralty. The Bill contained many points worthy of acceptance, and, if two or three clauses were omitted, would be of considerable value; but he thought that in a Committee of the Whole House a measure of this special character could not have the attention it deserved, whereas in a Committee upstairs the whole thing might be settled in two days. The 4th clause was that—

> "The Admiralty may, under regulations to be from time to time made by them, send any non-commissioned officers or men admitted to the benefits of Greenwich Hospital to a naval hospital or infirmary, to be there maintained at the expense of Greenwich Hospital."

But it was necessary that a great deal of room should always be kept in the hospitals to meet sudden demands upon it. He remembered close upon 500 men being sent to Haslar in one day, and great room would be suddenly required in the event of an epidemic like scarlet fever breaking out among the boys upon the training ship, because it would be very necessary to isolate such cases. According to the Report of the Greenwich Hospital Commission of 1859 and 1860 there were 1,100 and odd persons who had served in the Navy receiving relief in workhouses. Those persons would now have the right to receive assistance from Greenwich Hospital. With reference to the 7th clause, he had taken the liberty of placing a Notice of Amendment on the Paper, because he thought the proposition that—

> "The Admiralty may from time to time permit Greenwich Hospital or any part thereof, with the appurtenances, to be occupied and used temporarily for the purposes of the naval service or of any department of Her Majesty's Government, or for any public or charitable or other useful purpose,"

was going entirely beyond the purposes for which the Hospital was founded. Under such a clause the First Lord of the Admiralty might entertain them all to a fish dinner in the Painted Hall. In short, there was no sort of protection as to the use to which the Hospital might be put. His Amendment, therefore, would insert these words—

> "For any charitable or benevolent purpose for the benefit of persons engaged in seafaring pursuits, or their widows."

He should propose that Amendment if it should be the decision of the House to consider the Bill in a Committee of the Whole House; but he thought the better course would be to send it to a Committee upstairs. He was glad to hear that the clause as to audit was to be altered; but he should also be glad if the £16,000 of which the Hospital had been deprived was to be given back to it. The reasons for giving this money to the seamen of this country were indisputable. When the First Lord introduced his Bill, in 1865, he had joined issue with the right hon. Gentleman on a point which, perhaps, the House would not remember. The Bill, contrary to the opinion of the Royal Commission, appropriated a portion of the money taken from the Hospital to the payment of pensions to officers. That seemed to him a wrong appropriation, although it was a relief to the country; the pensions were well deserved, but they ought not to have been paid from the funds of Greenwich Hospital. That was entirely different from the misappropriation by which the right hon. Gentleman refused to pay the Governor of Greenwich Hospital his salary. That position had always been considered the due reward of the most efficient officer in the Navy. When Sir James Gordon died the right hon. Gentleman selected as Governor a most distinguished officer, the second in command of the Black Sea Fleet, Sir Houston Stewart, but instead of giving him £1,000 a year, which the late House of Commons voted he should have, he gave him a sum of £1,200, but deprived him of his good service pension and all his pay and emoluments, so that he actually rewarded the distinguished services of this gallant officer with only £132 a year. That was not carrying out the spirit of generosity in which the House had determined that the office of Governor of Greenwich Hospital should be continued. That was not due and just economy. He therefore felt bound, as this Bill ratified that unjustifiable transaction, to second the Motion of his hon. Friend the Member for Northumberland (Mr. Liddell) to refer it to a Select Committee upstairs.

SIR JAMES ELPHINSTONE said, he rose to support the proposition of the hon. Member for Northumberland (Mr. Liddell) because the Bill appeared to him to be one to confiscate the revenues of Greenwich Hospital. He strongly disapproved the measure, and would give it all the opposition in his power. No provision was made for extending the schools at Greenwich, nor was there any provision made for a girl's school, which was urgently required. The deprivation of a retiring pension to the controller he thought a very harsh measure. But the principles of the Government were principles of confiscation. These principles pervaded the whole policy of the Government. It was most unjust to deprive the Governor of the salary hitherto attached to the office, particularly when they knew that some of the most distinguished men in the country had filled that office. The Government had degraded the naval service by reducing the pay of such officers and depriving them of their other emoluments. Sir Houston Stewart, the distinguished man who now filled the office of Governor, had been deprived of his salary, and was reduced to a mere nominal salary. He (Sir James Elphinstone) had accompanied that eminent man on his appointment to Greenwich Hospital, and his inauguration there was more like a funeral than the reception to which he was entitled. If his hon. Friend had moved that the Bill be committed that day six months, he should have supported him.

MR. CHILDERS expressed his hope that the House would go into Committee on this Bill. The hon. and gallant Baronet the Member for Portsmouth (Sir James Elphinstone) had not ventured to refer to any of the clauses of the Bill, but rather to deliver a formal oration on the departed splendour which usually surrounded the installation of the Governor of Greenwich Hospital. The Act of 1865 reduced the numbers from 1,500 to 400, and at the same time took away all the duties, and he could not feel much surprise if, under these circumstances, the inauguration of the Governor was rather a quiet affair. The only other remark he had to make was that he stood between those who wished to get £15,000 more from the Exchequer for Greenwich, and those who desired to deprive the Hospital of £20,000 a year paid by the Exchequer, and that he hoped to have the assistance of each against the other. All the other objections were of merest detail; but, with the permission of the House, he would deal with the criticisms of his hon. and gallant Friends in Committee.

Question put.

The House *divided*:—Ayes 124; Noes 43: Majority 81.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next.

## ABYSSINIAN WAR.

### NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That Sir Stafford Northcote be one other Member of the Select Committee on the Abyssinian War."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the order [21st June] that the Select Committee on the Abyssinian War do consist of nineteen Members be discharged,"—(*Mr. Craufurd,*)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Sir STAFFORD NORTHCOTE, Mr. GRANT DUFF, Sir JOHN HAY, Mr. SEELY, Mr. EASTWICK, Major ANSON, Mr. CHRISTOPHER DENISON, Mr. WHITE, Mr. HOWES, Sir PATRICK O'BRIEN, Lord ELCHO, Captain BEAUMONT, Mr. CHARLES TURNER, Mr. MUNDELLA, Sir JAMES ELPHINSTONE, Mr. HOLMS, Colonel BARTTELOT, and Mr. CANDLISH, *nominated* other Members of the said Committee:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter after Two o'clock.

# HOUSE OF LORDS,

*Friday, 25th June,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Judicial Statistics (Scotland)* (151).

*Second Reading* — Diplomatic Salaries, &c.* (128).

*Committee—Report*—Pier and Harbour Orders Confirmation* (134); Ecclesiastical Dilapidations (No. 2)* (82-152); Poor Relief (Ireland) Act, 1862, Amendment* (124); Inam Lands* (143).

*Third Reading*—Oyster and Mussel Fisheries Supplemental* (129); Sea Fisheries Act (1868) Supplemental* (132 and *passed*).

## RELIGIOUS, EDUCATIONAL, &c., SOCIETIES INCORPORATION BILL.

(*The Lord Romilly.*)

(NO. 116.) COMMITTEE.

Order of the Day for the House to be put into Committee (*on Re-commitment*) read.

*Moved* that the House do now resolve itself into a Committee.

LORD ROMILLY said, that he had endeavoured to meet the objections pointed out on the second reading of the Bill, and he hoped that, in its present shape, it would receive the sanction of the House. The object of the measure was to remedy the expense and inconvenience experienced by almost all public institutions, the property of which was vested in trustees, in having to resort to the Court of Chancery for the appointment of new trustees. These expenses were quite unnecessary and bore very heavily on the funds of charitable endowments. He proposed to enable them to become corporations, the effect of which would be to vest the property in the institution without the expense of transmission, thus avoiding all these difficulties, and there were several precedents for this course. By an Act of 1862 industrial and provident societies were created bodies corporate, with power to hold lands and to sue and be sued in their corporate names; and the Limited Liability Act allowed companies, consisting of more than nine persons, to become a corporation, to sue and be sued by their corporate name, and also to hold lands to a limited extent. The Compulsory Church Rates Abolition Act also gave power to appoint Church Trustees, who were to be a body corporate, but were not authorized to hold land. Apprehensions had been expressed that this Bill would interfere with the principle of the statute of mortmain; but he had introduced clauses which enacted that nothing in the Bill should be construed to give further powers in relation to holding land than the law already permitted. He had so much respect for his noble and learned Friend on the Woolsack that he should not proceed with the Bill if he took objection to it, but he hoped it would meet with his approval.

THE LORD CHANCELLOR regretted that he could not concur with his noble and learned Friend as to the expediency of his Bill. He was quite ready to remedy the inconvenience experienced in the transmission of property from trustee to trustee, from the difficulty of ascertaining who had been the former trustees, and who were their heirs or executors, and from the expense sometimes involved in effecting a transfer; but he thought this could have been done effectually and simply by enabling trustees from time to time to register their names with some suitable authority—the Charity Commissioners or the Registrar of Friendly Societies—and to obtain a stamped certificate of such record. Trustees could then be changed when required without uncertainty and expense. He could not see his way to the incorporation of these societies. His noble and learned Friend had adduced precedents for this course; but the haphazard legislation which remedied a particular grievance, without considering its effect ont he general system of law, was much to be deprecated. Moreover, if these societies desired incorporation, they could already obtain it under the Joint Stock Companies Act. The Bill would enable ephemeral societies, as was already done under that Act, to advertise themselves as incorporated, thus leading unwary persons to suppose that they were of a stable character. He was anxious at a fitting opportunity, which he hoped might occur next Session, to bring under the consideration of the House the expediency or inexpediency of allowing persons, under the name of charity, to perpetuate the most absurd and preposterous schemes and to tie up property for hundreds of years; while persons who did not profess to leave their property for charitable purposes were restricted to a life and twenty-one years. If he were not afraid of wearying their Lordships he might give many instances of the absurdities that were done in the name of charity. In a recent case the Court of Chancery had recognized as a charity the bequest of a man who during his lifetime published a number of works, which nobody read, which he supposed would inculcate certain religious and moral doctrines, and who had left £300 a year for ever to be paid to a person for teaching and promoting his principles, one of the conditions being that the person appointed should be in an unfortunate condition. Other cases equally absurd might be instanced, and he should be sorry to see these absurd and frivolous schemes vested with corporate privileges. For these reasons he could not support his noble and learned Friend's Bill.

Lord ROMILLY remarked that the evil deprecated by his noble and learned Friend already existed under the Joint Stock Companies Act. He would not press the Bill, but he hoped some good would result from the discussion of the question.

Lord CAIRNS pointed out that there was a marked difference under the existing Act and the provisions of the Bill. The former required, as a condition of incorporation, that there should be a certain number of shareholders, who became answerable for a certain sum of money, and if they did anything wrong the concern was wound up, and they were obliged to pay the debts; whereas the Bill proposed that a charitable society might become a corporate body in the eye of the law, without funds or directors, to be made responsible in case of wrong doing.

Motion (by leave of the House) *withdrawn.*)

House adjourned at a quarter before
Six o'clock, to Monday next,
Eleven o'clock.

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# HOUSE OF COMMONS,

*Friday, 25th June,* 1869.

MINUTES.]—Select Committee—Salmon Fisheries, *nominated.*

Public Bills—*Resolution reported*—*Ordered*—*First Reading*—Metropolitan Board of Works (Loans)* [181].

*Second Reading*—Courts of Justice Salaries and Funds* [96].

*Committee*—Metropolitan Poor Act (1867) Amendment* [53]—r.p.; Special Bails* [162]—r.p.; Sunday and Ragged Schools (*re-comm.*)* [170]—r.p.

*Committee—Report*—Imprisonment for Debt (*re-comm.*) [98-179]; Insolvent Debtors and Bankruptcy Repeal* [134-180]; Fines and Fees Collection (*re-comm.*)* [171].

*Considered as amended*—Bankruptcy* [169]; Land Tax Commissioners' Names* [54]; Park Gate Chapel Marriages, &c.* [111]; Fines and Fees Collection (*re-comm.*)* [171].

*Third Reading*—Fines and Fees Collection (*re-comm.*)* [171], and *passed.*

The House met at Two of the clock.

## SOUTH KENSINGTON MUSEUM.

### QUESTION.

Lord ELCHO said, he wished to ask the Vice President of the Committee of Council on Education, Why the brick and terra cotta buildings of the South Kensington Museum in Exhibition Road are not progressing; and if any ultimate saving will be effected by this stoppage of work?

Mr. W. E. FORSTER replied that it was true that these works had been stopped for the last three months; and the simple fact was that it was thought necessary, on account of the necessities of the Revenue, to reduce the Vote for building by £8,500 this year, and it had been determined to proceed at present only with what required immediate completion.

## FRIENDLY SOCIETIES' RETURNS.

### QUESTION.

Mr. W. LOWTHER said, he would beg to ask the Secretary of State for the Home Department, If he can state how many so called Friendly Societies exist in England; whether they are not bound to send to the Barrister at Law, appointed to certify the Rules of Savings Banks, every year a Statement of the Funds of the Society; and, how many such Returns were received in 1867 and 1868?

Mr. BRUCE, in reply, said, the number of registered and certified Friendly Societies was 24,308; and the hon. Member was quite right in supposing that by the Friendly Societies Act certified and enrolled Societies were bound to send to the Registrar every year a statement of the Funds of the Societies. In the year 1867 the forms which were sent out for these Returns numbered 23,807, but the number of Returns made was only 10,678. In 1868 the forms sent were 23,174, whilst those sent back were only 11,408; so that more than half of the Societies did not comply with the Act.

## IRELAND—IRISH FISHERIES.

### QUESTION.

Mr. BLAKE said, he wished to ask the Secretary to the Treasury, Why the Board of Works have not, in their Report on the Fisheries of Ireland dated 18th May last, complied with the 112th section of the Act 5 and 6 Vic., c. 106, which directs that they should make a Report of the receipt and expenditure of any sums of money which they should receive or expend under the provisions of that Act; and, why the Return ordered by the House on the 14th day of June, of the sums expended by the Board of Works on Fishery Service since 1st January, 1864, has not yet been furnished?

Mr. AYRTON said, in reply, it appeared not to have been the practice for the Commissioners to publish the account which the hon. Member desired to see, but why they had not done so he (Mr. Ayrton) had not had time to ascertain. He presumed that they had not thought it necessary to make out a separate account for that purpose. The accounts, however, had been under preparation for some time; but as they were not kept so as to bring out the exact thing required by the hon. Member, it had been necessary to inquire into the matter and prepare the statement. He hoped that it would be ready in a few days.

## IMPRISONMENT FOR DEBT BILL.

(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer.*)

[BILL 98.] COMMITTEE.

[*Progress 22nd June.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 5 (Saving of power of committal for small debts).

Mr. M'MAHON said, he rose to move to add to the clause words prohibiting County Court Judges from sending debtors to prison in respect of a sum not exceeding 20*s.* exclusive of costs. He found from a Return obtained by the hon. Member for Morpeth (Sir George Grey), in 1862, that there had been committals for twenty days for sums so small as 7*d.* Considering that every one of those committals cast upon the country a charge of 10*s.*, and 1*s.* per day for the maintenance of the prisoner, it was proper that the House should interfere. In one case a person had actually been sent to prison six times in order to recover 7*d.* and he had thus put the country to the expense of £9. His attention was directed to this subject about ten years ago by the Governor of Stafford Gaol, who sent him a Return of the persons committed to that gaol by the County Court Judges between April, 1857, and April, 1859. They were 1,207 in number, and their maintenance cost the county 7*s.* per week for each prisoner, amounting in the aggregate to £1,412. Of these 1,207 prisoners fifty were committed for debts under 10*s.*, 255 for debts under £1, and 326 for debts under £2. He might add that 140 of them had been committed at the instance of a tallyman, of which number twenty-five owed less than 10*s.*, fifty-nine less than £1, forty-four less than £2, and twelve less than £3. The cost to the county in respect to these 140 prisoners was £136; and the same tallyman, he might remark, had got sixty-three County Court debtors committed to gaol in Worcestershire in the course of the same two years. It was monstrous that such a power should exist, and it was obviously unfair to throw upon the rate-payers the expense of maintaining prisoners of this class. It might, perhaps, be urged that working men themselves were in favour of imprisonment for very small debts; but if this were so they must surely have some ulterior object in view, and, indeed, he had been informed that the power of imprisonment for small debts aided very materially in supporting strikes, by enabling the trader to give credit with safety. By the old law a creditor, if he imprisoned a man, had to pay the cost of his maintenance. In Scotland there could be no imprisonment for a debt under £12; and in France one native could not imprison another for less than 300f., though he might imprison a foreigner for 150f.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That the jurisdiction by this section given shall not be exercised in respect of a sum not exceeding twenty shillings, exclusive of costs."—(*Mr. M'Mahon.*)

MR. NORWOOD said, he did not think that any consideration of strikes should influence the Committee in the discussion of this question. To adopt the Amendment would be to depart from a principle to which the House had already given its assent, when it decided that there should be no limit to the amount of the debt for which a man might render himself liable to imprisonment. Besides, if imprisonment for debts below 20*s.* were altogether abolished, the County Courts would no longer be the Poor Man's Court; as they had been so repeatedly called. Something was to be said on the ground of morals against a proposal which practically meant that a person might swindle with impunity up to 20*s.* If a man could pay and would not, he ought to be made to pay whether the sum was £5 or 5*d.*

MR. RODEN said, as an extensive employer of labour, he entirely agreed with the Amendment, believing that its operation would not be likely to curtail the credit of the working classes; that the honest man would always be able to get credit, and that the facility of obtaining credit was frequently a disadvantage rather than a gain to the poor. He felt it, at all events, to be his duty to protest against men being imprisoned for such small sums as 20*s.*, and he should like to see the amount fixed at £5, or £12, as in Scotland.

MR. M'CLEAN said, he would give his strongest support to the Amendment. It was a disgrace and a scandal that the rate-payers should be obliged to maintain these small debtors in prison for such trumpery sums. The whole question of imprisonment required to be considered on its merits. The great argument against its abolition was that it would put a stop to credit, and materially interfere with trade, but, as a manufacturer, he wished it would. Any honest man could get credit in a legitimate manner at any time, and it would be a great advantage to working men if the means for obtaining credit could be limited. The working men were inveigled into debt in order that the shopkeepers might have a hold on them for the continuance of their custom. To curtail credit by abolishing imprisonment for debt would be a great advantage to the working classes.

SIR HENRY HOARE said, he thought the Bill should be called, not a Bill for the Abolition of Imprisonment for Debt, but a Bill for the Extension of Imprisonment for Debt. Retaining the power of imprisonment in the County Courts for debts under £50 the Bill became a Bill of Pains and Penalties against the working classes. He should certainly support the Amendment, because it seemed to him to contain at least the germ of justice to those classes. The mechanic with a good character would always be able to obtain legitimate credit; and it would be an advantage if credit were refused to the man whose character was not good. It often happened that the honest artizan was drawn into debt by the imprudence of his wife. He would not send to prison the man whose wife or daughter had obtained credit in his name. He thought the exemption should extend to £5.

MR. COLLINS said, he had always objected to exceptional legislation, and he thought that, as richer debtors had been subjected to the risk of imprisonment in these cases, the poor should be equally liable. No doubt the charge upon the rate-payers was something; but the case was the same as if a person was prosecuted for petty larceny. Such prosecutions were instituted for the protection of the public at large, and it was equally for the public benefit that if debtors refused to pay, having the means to pay, they should suffer punishment. He must remind hon. Members that, under the clause, the Judge could not imprison unless satisfied that the debtor had the means, and fraudulently refused to pay the debt.

The ATTORNEY GENERAL said, the Committee had already decided in favour of retaining imprisonment for debt in the single case of a man being able to pay and contumaciously refusing to pay, and he regretted to hear from the hon. Baronet (Sir Henry Hoare) statements which showed that he was not acquainted with this Bill or with the subject. So far from this being a Bill of Pains and Penalties against the working classes, it actually limited the power of imprisonment which now existed, under certain circumstances, in the County Courts, and the same limitation would apply to the Superior Courts. He did not think the hon. Baronet was present when he explained this point. He should be glad, if he could do so, to abolish even this power of imprisonment, but public opinion was not ripe for such a measure. The sole question, however, now before the Committee was whether the rule already adopted should apply to small debts, and whether a hard and fast line should be drawn at £1. He submitted that no such distinction should be drawn, and that the same principle applied whether the debt was 19*s.* or £1 1*s.* He must, therefore, oppose the Amendment.

MR. ANDERSON said, that having had communications with some of the leaders of the working classes here, he could say that they were not in favour of retaining this power of imprisonment. In its present form the Bill was a retrograde one. In Scotland there was no imprisonment for debts under £12 ; and the plea here that the imprisonment was not for debt but for contempt of Court was a transparent fiction, because it was impossible for County Court Judges, with the immense amount of work devolving on them, to inquire so minutely into cases as was necessary for a just decision. He would suggest that debtors under £2 should be exempted from imprisonment.

MR. SERJEANT SIMON said, he also regretted the retrograde step which had been taken in this matter, because the fact was that rate-payers were really called on to pay in the support of these prisoners for the enforcement of a private contract. He asked the Attorney General most earnestly to consider the question. It seemed to be a hardship on the rate-payers that they should be called on to pay for the support of debtors in prison, because the creditors allowed them to get into debt for such small amounts.

MR. ALDERMAN SALOMONS said, he would beg to remind the Committee that no debtor could suffer under the clause except by the sentence of a Judge. Among the County Court Judges were to be found men of great ability and, it is fair to presume, of great humanity also. The County Court Judge connected with the Greenwich district, with whom he had conversed on this subject of imprisonment, considered that great injury would result to public morality unless some power was left in the hands of the County Court Judges to punish the men who were able to pay their debts, but who would not.

MR. MORLEY said, he should be glad to put an end to imprisonment for debt at once and for ever. It belonged to the dark ages. He did not, in the slightest degree, believe that the working men wished imprisonment for debt to be continued, in order that they might be able to get their small wants supplied. Credit depended more on character than on any power in the creditor of imprisoning his debtor, and most dealers were shrewd enough to know whom to trust amongst working men. He thought that the system of imprisonment was bad, because it fostered a false and pernicious system of credit—particularly at the West-end—credit which would never be given but for the existence of this power. He believed that there were a number of lawyers, not of the most respectable class, who got their living entirely by collecting debts which never ought to have been contracted. A tailor in a large way of business had some time since refused to sign a Petition against the abolition of imprisonment for debt, because he said it was high time something should be done to put an end to the present system of unsound credit. It had been justly said that a County Court Judge was not the best man to judge of a debtor's ability to pay; and, at all events, before he made an order of imprisonment, he should be satisfied that it was in the power of the debtor to discharge the debt. He believed, however, that the people were not quite prepared for the entire abolition of imprisonment for debt, and therefore he thought the next best thing would be to support the proposition of the Attorney General, and he hoped his hon. Friend (Mr. M'Mahon) would not divide the House against it.

Mr. STAPLETON said, there was some force in the argument that the rate-payers would have to bear the expense of enforcing small contracts.

Mr. RICHARDS said, that while the Amendment would not prevent decent men from getting legitimate credit, it would put a stop to the practice of giving undue credit to improvident workmen. He knew that the bulk of the convictions in Staffordshire were obtained by packmen against poor men, who suffered with their families from a system of reckless credit. A man in his own employ was summoned for a debt of 4*s*. contracted by his wife. To avoid losing 5*s*. wages he did not appear, and the result was that he was sent to prison, and he and his family lost many pounds which he would have earned. He hoped the Committee would adopt the Amendment.

Mr. WEST said, that in consideration of the fact that general opinion was progressing in favour of total abolition of imprisonment for small debts, he thought it would be inexpedient to press the Amendment to a division.

Mr. HENLEY said, he should support the Amendment; because he objected to the whole system of imprisonment for debt; and he feared the Judge would be unable to ascertain with certainty whether a man could or could not pay. If a small debtor had property, let it be seized; but to threaten him with imprisonment was most unwise, because if he paid to the order of the Court he would most likely do so by getting credit elsewhere, and thus let another tradesman in for it. He should like to know what became of all the orders that were issued. He believed that in most cases the result was that the parish had to keep the man's wife and family.

Mr. RUSSELL GURNEY said, that his experience as president of a Small Debts Court was that three-fourths of the orders for payment, on pain of imprisonment, produced the money before the Court rose.

Mr. M'MAHON said, he desired to withdraw the Amendment, in deference to the opinion of the Attorney General, who, he believed, was working diligently to secure the end he had in view, and who, in due time, would doubtless take the initiative in the matter.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 29; Noes 177: Majority 148.

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 6 to 11 inclusive, *agreed to*, with Amendments.

Clause (D) 12 (Penalty on fraudulently obtaining credit, &c).

Mr. Serjeant SIMON objected to the clause as going beyond the scope of the Bill, and creating a new class of criminal offences incidentally in a measure which did not propose to deal with the Criminal Law generally. He particularly objected to sub-section 2 of the clause, which subjects any person to a penalty "If he has wilfully contracted any debt or liability without having had at the time a reasonable expectation of being able to discharge the same." Any thoughtless, but—it may still be—respectable young man who got in debt might, he contended, under such a provision as that, be arraigned before a magistrate at any moment on a criminal charge.

The ATTORNEY GENERAL said, he proposed that sub-section 2 should be struck out. He did not concur, however, with the hon. and learned Gentleman (Mr. Serjeant Simon) on the distinction which he sought to establish between bankrupts and those who were not bankrupts, so far as the fraudulent contraction of debt were concerned.

Amendment, by leave, *withdrawn*.

Mr. BAINES said, he wished to put a stop to the system of "kite-flying" by means of accommodation bills, which did not represent real transactions, and which had been strongly reprobated from the Bench. Thirty-two Chambers of Commerce in February unanimously resolved that any measure dealing with the relations between debtor and creditor ought to provide for the punishment of persons putting bills of this kind into circulation. He did not wish to put a stop to any *bonâ fide* transactions, but simply to check the practice—he was sorry to say, a growing one—of drawing and accepting bills which were really fictitious and fraudulent. He, therefore, proposed in clause 12, after line 31, to insert the following subsection:—

> "If he has, within four months before his bankruptcy, put into circulation and used the proceeds of bills drawn or accepted by him, for which full value has not been received, and which bills, in the opinion of the jury, are fictitious or accommodation bills."

THE ATTORNEY GENERAL said, that the same proposition had already been made by the hon. Member for Hull (Mr. Norwood), and the Committee decided that they would not entertain it. He maintained that a great number of accommodation bills were perfectly genuine; and if credit was obtained under false pretences by accommodation bills, or any other means, that case was provided for in another part of the Bill. He could not agree to the Amendment.

MR. G. GREGORY said, that they were now dealing with a Bill for the Abolition of Imprisonment for Debt, and not for an extension of the Criminal Law, and he thought they had gone quite far enough in that direction.

MR. HENLEY said, that, considering the authority from which the Amendment proceeded, it was a curious illustration of the morality of the present day, of the way in which success or failure was now looked on as creating right or wrong. If the issue of an accommodation bill was dishonest, why should they not declare it so absolutely? But, according to the Amendment of the hon. Member for Leeds, it was only a crime when unsuccessful—namely, in the case of a bankrupt.

MR. BARNETT said, that many doubtful transactions were carried on that were not discovered; but, if those engaged in them could not be subjected to punishment, it was desirable, at all events, that there should be some means by which the reprobation of society might be expressed with respect to such individuals.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

*Mr. Baines*

Clause 13 amended and *agreed to.*

Clause 14 (Order by court for prosecution on report of trustee).

MR. MORLEY moved in page 7, line 3, to leave out "the Court may" and insert—

> "Or where the Court is satisfied upon the representation of any creditor or inspector that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the Court shall, if it appears to the Court that there is a reasonable probability that the bankrupt may be convicted."

The object of this proposal was to ensure the certainty of prosecution, instead of leaving it to the discretion of the Court; for it had been found that that discretion was sometimes used to the disadvantage of the creditors.

THE ATTORNEY GENERAL said, he had no objection to adopt the Amendment.

Amendment *agreed to.*

MR. SERJEANT SIMON said, he had given notice of an Amendment which he thought would meet the circumstances of the case far better than Clauses 14 and 15, by providing that—

> "Where it shall appear to the trustee in any bankruptcy that a bankrupt has been guilty of any offence under this Act, the trustee shall report the same to the court having jurisdiction in the bankruptcy, and if it shall appear to the satisfaction of the court, or if in the course of any proceedings in any bankruptcy it shall at any time appear to the satisfaction of the court that, the bankrupt has been guilty of any offence under this Act, and that there is a reasonable probability of procuring a conviction for the same, the court shall order the registrar of such court to prosecute the bankrupt for such offence, and the registrar shall, upon such order being made be bound to prosecute the bankrupt accordingly at the next assizes for the county or place within which the jurisdiction of the Court wholly or in part extends, or, if in the London district, in the Central Criminal Court."

He thought it much better that where a prosecution was instituted it should be conducted by the Registrar of the Court, who would supply the place of a public prosecutor, rather than by the trustee or any of the creditors.

THE CHAIRMAN said, that the hon. and learned Member might now state his reasons for proposing the clause, but it could only be brought up after the other clauses of the Bill had been gone through.

MR. SERJEANT SIMON said, he thought his clause preferable; but if the Attorney General was of a different opinion, and thought the Amendment of the hon. Member for Bristol (Mr. Morley) on the previous clause was sufficient, he would, of course, give way.

Clause *ordered* to stand part of the Bill.

Clauses 16 and 17 *agreed to.*

Clause 18 (Quarter Sessions to have jurisdiction in respect of offences under Act).

MR. WEST said, the proposition contained in that section was one of a somewhat novel and startling character. Courts of Quarter Sessions had never had jurisdiction in Bankruptcy cases, and he was afraid they would not be competent to deal satisfactorily with protracted, difficult, and complicated questions, such as would be brought before them under the Bill. He believed, moreover, that Chairmen of Courts of Quarter Sessions generally would be extremely unwilling to have those new functions imposed on them.

MR. ALDERMAN SALOMONS said, he concurred in thinking that, as these cases were often of a very complicated nature, it would be most inconvenient that they should be tried before Chairmen of Courts of Quarter Sessions. He hoped that the Attorney General would see fit to withdraw the clause.

MR. HENLEY said, he hoped that the Attorney General would see fit to keep the clause in the Bill, a course which, on consideration, would seem reasonable. He hoped that all these cases would go before a magistrate in the first instance. Those cases which were at all complicated ought to go to the Assizes and the Superior Courts; but there were many of them of a simple and, it might be, a very fraudulent nature, such, for example, as the burning of books. Many of the persons accused of those misdemeanours might be very humble people, wholly unable to get bail, in which event they might have to lie in prison seven or eight months before they were tried, if, as might happen, there were no winter Assizes. For that reason the jurisdiction given in the clause should exist.

THE ATTORNEY GENERAL said, he thought the grounds put forward by his right hon. Friend opposite (Mr. Henley) were quite conclusive in favour of that clause, which would conduce both to the speedy and the economical administration of justice. Not one in fifty of these cases would be complicated; and, moreover, he hoped by that Bill to get rid of nine out of ten of the puzzling legal perplexities connected with the present Bankruptcy Law. Again, Courts of Quarter Sessions now tried cases of obtaining money and goods on false pretences; and why could they not equally well try cases of obtaining credit upon false pretences? He was surprised to hear an objection taken which implied a reflection upon the Chairmen of those Courts.

MR. ALDERMAN LUSK said, he should support the clause. The absence of a "bar" from those Courts was not, as some legal Gentlemen supposed, necessarily a disadvantage.

Clause, as amended, *agreed to.*

Clauses 19 to 24, inclusive, *agreed to.*

Then several new clauses *added.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Tuesday* next, at Two of the clock, and to be *printed.* [Bill 179.]

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## AGRICULTURAL LABOURERS.

### RESOLUTION.

MR. FAWCETT, in calling attention to the Report of the Commissioners appointed to inquire into the condition of women and children employed in agriculture, said, that this Commission had been described as one of the most important ever issued by Her Majesty, and he was certain that no similar investigation had ever been carried on by a more able body of Assistant Commissioners. The Commission would not complete its labours before the end of the present Session, but enough had been done, and a sufficient number of counties had been examined, to enable hon. Members to form some accurate conclusions as to the general condition of agricultural labourers throughout the country. In the first place, their education generally was most unsatisfactory; secondly, their wages were most inadequate; and, thirdly, their cottages were often in the most miserable condition. The two latter conclusions were matters as to which it was hardly possible by direct Parliamentary interference or control to improve the condition of the labouring classes; but the House could exercise a most important indirect influence upon the condition of the labouring classes, by improving the education which they received, for it had been conclusively shown that improved education invariably led to higher wages. Mr. Henley, one of the Assistant Commissioners, speaking of North Northumberland, said that although some of the cottages of the present time were not so good as they ought to be, yet the landlords were beginning to discover that it was as necessary to have good cottages upon the farms as to have good farm buildings, because the labourers would not engage themselves where the cottages were bad. The result of the better education of the labourers would be that good cottages would be provided. Another Assistant Commissioner, the Rev. Mr. Fraser, speaking of the wants of the country as regarded education, said that the drawbacks to education consisted of a deficiency in the supply of schools, the early withdrawal of the children from schools, and their irregular attendance; and that the last two were more powerful causes of ignorance than the first. He felt bound to admit that there was no great or general deficiency in the supply of schools for the rural districts, and that this was, in a great measure, owing to the extraordinary exertions and wonderful self-sacrifice of the clergy of the Church of England. Mr. Fraser, Mr. Stanhope, and the other Assistant Commissioners, pointed out that the Government schools were not sufficient to secure the education of the rural districts if there existed so active a demand for juvenile labour as to cause the early withdrawal of the children. In Spalding there were two most excellent schools, and yet the labourers who were living within a mile of the schools were growing up in a state of the greatest ignorance, because the children were taken away from school at the early age of seven or eight. If those evils were likely to cure themselves, he would say "Wait," because he looked upon legislative interference as of itself an evil. He would prefer to see the people of this country educate themselves by their own efforts, and without any intervention on the part of the State. If, however, the demand for juvenile labour were increasing, and children continued to be withdrawn from school at these early ages, a remedy must be applied, and none had been suggested except some kind of legislative interference. Was the evil increasing or diminishing? Mr. Stanhope said he had been informed that the evil of an early withdrawal from school was increasing. Twenty years ago it was common for children to remain at school until they were eleven or twelve years old, but now children in the same districts were taken away at the early age of eight. He had found as the result of his inquiries that the old men often read better than the young men, and when he asked an old man the reason he was told that twenty, thirty, or forty years ago, there was more surplus labour in the rural districts and less demand for juvenile labour, and the consequence was that boys were sent to school to be out of the way. It might be said that compulsory education was anti-English, but the time for this plea had passed by. The great Conservative party, by an Act which did them signal and permanent honour, for ever destroyed that plea twenty years ago. They imposed compulsory education upon the manufacturers, and they must not be surprised if when, instead of the evils which had been predicted, infinite good had resulted from this legislation, the manufacturers in their turn said—"We will do our best to confer upon your industry the good you have conferred upon ours, and we will impose compulsory education upon the agricultural industry of the country." The late Government extended the Factory Acts to every branch of industry except agriculture. The law as to manufacturing industry was that no child should be employed until it was eight years old, and that between eight and thirteen no child should be employed unless it attended school for so many hours of the day. The question then arose, what was the best form that legislative interference, if it were inevitable, could assume. Compulsory education had been applied in two different forms. The general rule was that no child under thirteen should be employed, unless it attended school, for thirteen hours in the week. That was called the half-time system; but, in printworks, there was an exception, because the children employed in those works must attend school for so many hours in the year. The system he referred to was known as the so-many-hours-a-year system. No one could deny that, with many deficiencies, the half-time system had been a great and an extraordinary success; and, on the other hand, no one could deny that the educational clauses of the Printworks Act had been a complete and a disastrous failure. All the School Inspectors who had investigated the subject pronounced against the educational provisions of the Printworks Act. Mr. Horner, a man of experience and authority, said that they were a delusion and a sham; a Select Committee of the House had unanimously pronounced against them; and so defective had they proved to be that the Government had already issued a Commission to inquire into the subject. The conclusion was thus arrived at, that, while the half-time system had been a great success, the Printworks Act had been a great failure. The reason was not difficult to understand; for it had been proved that a child who was at school half his time and at work the other half worked better and learnt better than one who was at work his whole time or at school his whole time. If you simply enforced the condition of attending school so many times a year, the school attendance might be crammed into three months, and the child might be at work for nine months, during which time he would forget all he had learnt during the three months. The Assistant Commissioners pointed out the great difficulty of applying the half-time system, or any modification of it, to agriculture. He would ask the House to consider whether there were not greater disadvantages associated with any other possible scheme? It was impossible to impose legislative interference upon any branch of industry without occasioning some temporary disturbance of it, and no scheme could be devised that would not involve some trouble to the farmer, and some apparent hardship to the labourer. The question was, whether these inconveniences would not be a hundred times compensated for by the advantages that would ensue? The Commissioners seem to think that if it was forbidden to employ a child in agriculture until he had attained the age of ten, a sufficient amount of education might by that time have been acquired; but he differed from that conclusion, because the slender education acquired at that age would soon pass away. If a law were passed to say that no child under ten should be employed in agriculture, what security was there that it would be sent to school? Hitherto we had not adopted the principle of exercising any interference with regard to those who were not at work; our interference had been confined solely to those who were at work; and, unless we had some security that a child, who was forbidden to be at work in agriculture until he was ten years of age, was at school, instead of conferring a benefit upon such a child by the prohibition, we should inflict upon it a great injury. Again, what guarantee was there that such a child would not be sent to work in some other industry to which the same restriction did not apply? We did not look after that class of children which was neither at school nor at work. Prohibition would be a very good thing if it were applied to every industry in the country. They were promised next year an excellent system of education, and he should like to see a general enactment, applying to every branch of industry, that no child should go to work until he was ten, and that between the ages of ten and thirteen a certain amount of school attendance should be enforced. He would also insist upon a reversal of our present extraordinary policy, for we said to thrifty people—"If you send a boy to work until he is fifteen, we will enforce certain vigorous restrictions, and you shall be compelled to send him to school;" while, if parents were so degraded and debased as neither to send him to school nor to work, we gave them perfect immunity and left them to do as they liked. It was of the utmost importance that our industrial legislation should, as far as possible, be uniform, for if we had different sets of restrictions applying to different industries, parents would put their children to those in which the restrictions were the least onerous. The effect would be to disturb the natural flow of labour, and possibly to inflict a grave and serious injury upon the country. The prohibition of field labour to those under ten, and the enforcing of a certain amount of school attendance between ten and thirteen, would be a great improvement on the present system; but Lord Shaftesbury's remedy—the exaction of a certain number of hours of school attendance in a year—was a plan open to the objection that it was analogous to that embodied in the educational provisions of the Printworks

Act, which had been unanimously condemned. The noble Lord the Member for the West Riding (Lord Frederick Cavendish), who would second the Motion, would suggest a plan somewhat different—namely, that we should require so many continuous weeks' attendance during the year. That seemed to him to be a matter of greater importance than a certain number of hours' attendance; and this appeared to be the best plan that could be adopted, if it was found that any modification of the half-time system was impracticable. Was it practicable? The best modification which he had heard suggested was that which was known as the alternate day system; and we had most valuable practicable experience to guide us. It had been tried for some years by Mr. Paget, of Nottingham, under what had been described as exceptional circumstances, in which, however, he could discover nothing that was exceptional; and Mr. Stanhope, one of the Assistant Commissioners, who had carefully investigated the results, had arrived at the conclusion that they were eminently satisfactory. That gentleman distinctly stated that children who were at school and at work on alternate days were better fitted, from their increased intelligence, for agricultural operations than those who had been continually at work or continually at school. Alternate work and school seemed to relieve each other and; as far as Mr. Stanhope could discover, children who were educated upon this alternate day system when they left school at thirteen were quite as forward as children who had been at school continuously. Mr. Stanhope had received twenty letters from employers who had taken these alternate day children, and, without a single exception, they gave them the highest character, and spoke in the strongest possible terms of the advantages of the system. He further said that the education had been sufficiently good to be retained—that he had seen as many as twenty letters written by persons who had taken advantage of this system of education for a limited period when they were under ten years of age, and that it was impossible to see better or more admirably-written letters among persons of the same class. Having therefore that practical experience to guide them, they were entitled to say that the alternate day system, if it could be applied, would work satisfactorily and bring out remarkable results. What were the difficulties in the way of its adoption? It was urged that it would greatly limit the number of children employed in agriculture, and thus produce a scarcity of labour. That apprehended scarcity of labour was, he thought, more imaginary, than real; and by making some slight change in the management of his farm, the farmer might easily overcome that difficulty. The utmost evil that could occur would be that he would have to employ occasionally a lad of fifteen or sixteen, where he used to employ a boy of ten or eleven more frequently. But the most formidable difficulty of all in regard to legislative interference with agricultural labourers was their poverty. That difficulty applied with very unequal force to different parts of the country, for in no branch of industry was there so much variation in wages as in agriculture. In Wiltshire or Dorsetshire the agricultural labourer earned 9*s.* or 10*s.* a week, and in Lancashire, Yorkshire, or Northumberland, 16*s.* or 17*s.* The difference in the rate of wages in those counties was not accidental, but permanent. Wages, especially in the worst-paid agricultural districts, were not controlled by the general demand and supply of the labour market, but by the peculiar circumstances of the immediate locality. In Northumberland they could introduce the half-time system tomorrow into many parts of that county without causing any hardship to the labourers, many of whom never thought of letting their children go to work till they were eleven or twelve years old. Indeed, as Mr. Henley remarked, a great zeal for education existed there among the peasantry, who would probably welcome legislative interference. But let him take, on the other hand, the extreme case of the poorest labourer in Dorsetshire or Wiltshire, and consider how legislative interference would affect him. The loss even to him would not be so great as at first sight it appeared. If they placed restrictions on juvenile labour they diminished its supply and increased its price. In the worst-paid counties of England wages always were what Mr. Ricardo called "minimum" wages, or the lowest amount on which it was possible for a man to live. The wages in those counties fluctuated with the price of wheat. Two years ago the wages paid in Wiltshire rose to 11*s.* a week because wheat was dear. In the following year, in consequence of a bountiful harvest, the wages were reduced to the old standard of 9*s.* or 10*s.* a week. Now, the circumstances of a fine harvest ought not, according to the accepted principles of political economy, to make one iota of difference in the standard of wages. But what was the case on the occasion referred to? The farmers of Wiltshire talked over the subject in the market. They said that last year their labourers received 11*s.* wages because the loaf was dear; the loaf was now reduced in price, and, consequently their labourers could afford to do with less wages. The labourers accepted that reduction because, being too ignorant to migrate to districts where wages were higher, they felt they could not help themselves. Now what would take place if Parliament placed some restrictions upon the labour of children? It would appear that the withdrawal of these children from the labour market would deprive the parents of the usual earnings of these children. But the farmers, according to their own system of calculation in Wiltshire and Dorsetshire, would know well that the labourers with large families could no longer live upon that minimum on which heretofore it was possible for them to sustain life, and the result would be that they would be compelled to increase their wages. The labourers, therefore, would not suffer any considerable loss from the absence of the usual earnings of their children. If hon. Gentlemen visited the rural districts of South Wiltshire, Dorsetshire, or some of the eastern counties during the winter, he believed they would come to the conclusion that, legislate as they would, it would be impossible to make the condition of the labourers worse than it was. The result, then, of their legislative interference, if it did cause a loss to the labourer, might, he admitted, be to cause a temporary rise of agricultural wages; and it was said that would impose some burden on the farmer. But would not the farmer receive his recompense for that? The question of the education of the labourer, simply considered financially, was far more a farmer's and a landlord's question than a labourer's one. Agriculture was becoming every year more and more a skilled industry, and it was a great loss to the farmer to have unintelligent labourers to deal with. As was shown by experience in the Lothians, in Northumberland, Yorkshire, and elsewhere, an intelligent labourer caused both labour and capital to work with greater efficiency; then more wealth was produced by the application of the same amount of human toil; and the result was that there was not only more wages for the labourer, but a larger surplus to be distributed in profits to the farmer and in rent to the landlord. Again, if they once educated the labourer many problems that now sorely perplexed them would rapidly solve themselves. The Government was often appealed to for assistance towards emigration; but if the labourer had sufficient intelligence to understand what were the advantages held out to him in other lands he would readily emigrate of his own accord. And as to pauperism, if they wished really to diminish it, they should strike a blow at the causes which produced it. So long as we had an ignorant people we could not expect them to prepare against the vicissitudes of life. And as to drunkenness, if he (Mr. Fawcett) were an agricultural labourer without any education, he thought he should be anxious to go to a public-house to pass away his time in the evening. Some persons who were anxious to diminish if they could not put an end to the vice of drunkenness, proposed to do so by a change in the licensing system, or by some other legislation of that sort. He believed that any material device would be ineffectual for that object; but if they educated the agricultural labourers they would encourage self-respect, make them thrifty, and diminish drunkenness. The House had it on the most excellent testimony that in Northumberland, where the labourers were educated, drunkenness was almost unknown. The education of the agricultural labourers again would lead to the establishment of co-operative stores for the benefit of that class, and to other improvements in their economic system. The great defect in that economic system was that the poor agriculturist was every year becoming more divorced from the soil—becoming more of a mere labourer. In former times every labourer felt that, by steady industry, he might some day become an independent yeoman; but all this had been changed since the system of consolidating small farms and inclosing the waste lands of the country had come into operation. Now the poor man had scarcely a spot of ground for a cow or a pig, and his child had to play on the highway. But if the means of education were brought within the labourer's reach he might hope by some sort of industrial co-partnership, or by co-operative farming, to be brought into closer and more profitable relations with the soil; and his energies being stimulated and his faculties developed, English agriculture would then experience a degree of prosperity it had never yet known. In reviewing the past the conclusion was inevitable that we could not trust to material agencies to permanently raise the condition of the agricultural class. The new Poor Law had been over and over again amended, but it remained as much a perplexity and puzzle to statesmen as ever. The Corn Laws had been repealed; but, after twenty years' experience, the predictions of Free Traders about the beneficent effect that would be produced upon the labourer had proved as ill-founded as the gloomy forebodings of the Protectionists. Charity had been bestowed in abundance, but they had discovered that such extraneous aid tended rather to degrade than to raise. Even the wonderful awakening of Christian zeal that this generation had witnessed had failed in the main to assist the agricultural labourer. Good seed had been cast on a stony, unprepared soil. It was high time, therefore, to try a different remedy. Let a vigorous effort be made to act upon the mind. He earnestly hoped the Government would not plead for delay, and say that next year they were going to deal with local taxation. That was a trifling matter compared with the vitally important question of the education of the people. Each year that this question was delayed thousands were growing up in a state of ignorance, and no one could exaggerate the irrevocable injury and wrong done to them. He remembered that on visiting a few months ago the cottage of a Wiltshire labourer, at about half-past six o'clock in the evening, the man told him that he was going to bed. "Why?" he asked. "Because," said the man, who had great natural intelligence—"my time is of no use to me, and if I were to stay up I should be burning fire and candle for nothing." He felt that to be a terrible sarcasm on our boasted civilization. He thought how happy that poor man might have been if he could have enjoyed the priceless treasures of mental contemplation. He earnestly hoped that the Government would not plead, as a reason for delay, the appointment of the Commission into the state of Agriculture in Scotland. The Report of the English Commission would be ready at the end of the Session, and he was certain that it would contain ample materials on which to found satisfactory legislation. This question, which had been so long neglected, required bold statesmanship, courage, and wisdom. Let them never cease in their efforts till they had secured for every person in this country the great advantage of possessing at least the rudiments of knowledge; let them never forget that elementary education ought to be regarded as the birthright of every one born in a free and civilized country. The hon. Member concluded by moving his Resolution.

LORD FREDERICK CAVENDISH, in seconding the Motion, said, he was sure he had the concurrence of his agricultural constituents in supporting his hon. Friend, because he had taken their opinion on this subject in speeches made by him before the last General Election, and had ascertained what were their wishes in respect of education. He also had an opportunity of judging of the effect of the Factory Acts. When the statue of Richard Oastler was being inaugurated at Bradford, under the presidency of the Earl of Shaftesbury, thousands and thousands of intelligent and contented-looking children took part in the proceedings. The people of Bradfords, employers and employed, were not indeed in want of this testimony; for though, in former times, they might have regarded factory legislation as an unwarrantable interference, all classes now were disposed to join in regarding it as a universal boon. Within the last two years the principle had been extended by the passing of the Workshops Regulation Act, by which no child under eight years of age was allowed to work for wages, and no child under thirteen unless it attended school. The last Report of Mr. Redgrave showed that this Act, so far from being inoperative, as many had supposed, as the Act of 1833 had been, was willingly and cheerfully obeyed wherever its provisions were known. The onus of proof might fairly be placed upon those who wished to exclude from the benefit of legislation of this character the children of the agricultural classes. Only three grounds, as far as he could see, were capable of being urged in defence of an exclusive policy of that nature—that the education of labourers' children was so satisfactory that no further steps were required; that, owing to the nature of farming operations, it was impossible to apply this principle to children employed in agriculture; or that the parents of the children were too poor to admit of its being applied. On all these grounds he joined issue. The children of the agricultural classes were peculiarly in need of educational advantages such as those for which he was contending. 74 per cent of the children attending schools in Yorkshire were stated in the Commissioners' Report to be under ten years of age, while at many places, as in Northamptonshire, children appeared to begin work when seven or eight years old, and in some cases as early as six years of age. The Reports of the Inspectors from different parts of the country showed that, after all the efforts that had been made in the cause of education, the large mass of the children of agricultural labourers left school so young that they did not obtain any lasting benefit from the instruction. One of the gentlemen who had investigated the subject (Mr. Currie) thought there could be no reasonable doubt that a great number of the agricultural classes were growing up without sufficient education—meaning reading, writing, and the first rules of arithmetic; while many of them received no education at all. The Reports of the Assistant Commissioners clearly showed that the farmers generally had no objection to abstain from employing children under ten years of age. The evidence also showed that there were many months of the year in which the farmers could dispense with the labour of children. There could be no difficulty, as far as the farmers were concerned, in securing the attendance at school of children from ten to fourteen for several months of the year; and the satisfactory state of education which existed in some parts of the country was owing to the adoption of that system. In Northumberland and Durham, from Martinmas to May, a certain amount of school attendance was practically compulsory. In the United States examples presented themselves in the agricultural districts of schools closing during the summer and opening during the winter. He did not despair of some arrangement of the same kind being eventually adopted in this country, but those who knew anything of farming operations were aware that to require a half-day to be spent in the school, or even every other day, would be attended at certain seasons with grave inconvenience. Mr. Paget's experience had been referred to, and he would also allude to it. Mr. Paget had tried the experiment, in which he was interested, under advantageous circumstances, and with the utmost enthusiasm; but in the end he declared that his opinion was changed, and that he could no longer recommend the system which he formerly favoured. It was possible that the application of the Factory Act to agriculture would be attended with inconvenience to the farmer; but the inconvenience would be as nothing to the advantages which would be gained. Mr. Currie pointed out that the cost of labour was 7*s.* per acre greater in Bedfordshire than in Northumberland, in spite of the fact that wages were higher in Northumberland than in Bedfordshire. This fact proved the real cheapness of skilled labour as compared with unskilled labour. The most difficult part of the question was undoubtedly the poverty of the agricultural labourers themselves; and he was very much disposed to agree with the statement that in Dorsetshire and Wilts it was hardly possible for the labourer to be in a worse position than he was at present. But it must be borne in mind that, although in sending the children to school some loss would undoubtedly be entailed on their parents, competition in the labour market, on the other hand, would be slightly reduced. It would be wise, he believed, not to push legislation in the matter to extremes, but to leave a slight dispensing power, to be exercised according to circumstances, in the hands of those charged with carrying out the arrangements. A school should mean only an inspected school, and any school that, after two or three years' inspection, did not attain to a certain tolerable degree of goodness, should be disqualified in the eye of the law from being considered a school. The hon. Member for Brighton (Mr. Fawcett) had expressed an opinion that there was no great want of schools in the rural districts. To some extent he agreed with him. The number of parishes without a school was not great, but they ought to regard not the quantity but the quality of schools, and in this respect an investigation into the agricultural parishes would be by no means satisfactory. The National Society had put forth a Return showing that there were in England Church schools for 6 per cent of the population. When taken in conjunction with other schools this might make a tolerably sufficient supply in point of numbers, but of the Church schools only three-fifths received Government aid, while two-fifths were without it. The evidence was overwhelming in favour of the Government assisted schools as against non-assisted schools, and in the last Report of the Council of Education the state of the latter was shown to be most unsatisfactory. Now, if it were proposed that children must attend school, it was absolutely necessary that the schools provided for them should be good. They could not, however, be good with the funds now at the command of the managers. They could not afford to pay sufficient salaries to obtain the services of properly qualified masters, and the funds were insufficient because, as a rule, the only men who behaved with real liberality were the clergymen. The landlords usually gave generous assistance when they resided in a parish; but when they did not reside they were usually the reverse of liberal in supporting the school. The farmers generally gave nothing, and the clergyman did the best he could in the face of the difficulties that surrounded him. He believed that to make these schools efficient it would be necessary to give an enabling power to raise the funds by local taxation. It was said with great truth that the rates were too heavy already, and he believed it would be unfair to put the charge altogether upon the farmer, because he might give up his farm before the generation at school grew up and became his servants. It appeared from Mr. Currie's Report that with skilled and intelligent labourers the rent increased 7*s.* per acre, and, if that were so, he thought the landlord ought to bear part of the cost of improving the education of the labourers. The agriculture of this country stood pre-eminent throughout the world, like its industrial arts. Some years ago it seemed as if the wealth produced by our various industries could be attained only at the cost of a stunted and degraded population. But by boldly grappling with that difficulty the Legislature had secured an education for the children employed in manufactures, and he believed that, if they now grappled boldly with the question of educating the children of the rural districts, the same gratifying results would be achieved. As years rolled on, and the wealth of the country increased, it would then be a subject of just pride that this wealth had been obtained not with the degradation of the labourer who had produced it, but with a commensurate improvement in his condition.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the education of agricultural labourers is in general in so unsatisfactory a condition that immediate legislation upon the subject is imperatively demanded; this House therefore thinks that the Government ought to legislate upon the subject during the next Session of Parliament,"—(*Mr. Fawcett,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. RIDLEY said, that as the county with which he was connected (Northumberland) had been pointedly alluded to, he might be allowed to say a few words on the general question and to express a difference, though not a very wide one, from some of the conclusions drawn by the hon. Member for Brighton (Mr. Fawcett). In regard to education, which the hon. Member had mainly dwelt upon as a means of improving the condition of the agricultural labourer, the greatest influence in promoting it was exercised by the society by which those classes were more directly affected. The more clearly it was seen that a moral responsibility rested upon landowners and occupiers to promote the education of the labourers on their estates, the sooner the country would arrive at a satisfactory solution of the difficulty. The hon. Member had not attempted to show that the agricultural labourer was in an unsatisfactory condition at the present moment, and it was unnecessary he should do so. The fact, however, was that his position was not worse absolutely, but the gradual augmentation of farms, which had naturally elevated the social status of the occupier, and the consequent widening of the interval between the farmer and the labourer had made the position of the latter relatively worse, and it was unfortunately true that the rate of wages had not risen so much in the agricultural as in the manufacturing districts. Assuming, therefore, for the present, that the condition of the agricultural labourer was unsatisfactory and deserved the serious attention of the House, the question was how to improve it. Now, taking education as the agent most insisted upon, it was laid down by a very able Assistant Commissioner, Mr. Fraser, to whom reference had already been made, that three things were essential to the success of it—good schools, regularity of attendance, and some means of preventing the too early withdrawal of children from school. With regard to the general question of good schools, the noble Lord (Lord Frederick Cavendish) having gone at some length into the subject, it was hardly necessary for him (Mr. Ridley) to do more than insist on this as an essential condition. The weak point in the otherwise beneficial legislation of the Factory Acts was that the State compelled children to go to school, but did not make provision for good schools to which they were to go. The clause which had been struck out in the House of Lords had vitiated the whole operation of those Acts. Speaking generally, throughout the country there were sufficient schools. Mr. Stanhope, Mr. Fraser, and other Assistant Commissioners stated that if the schools were properly distributed the school area was quite sufficient. The noble Lord hit the true blot of the system when he said that what they had to look at was the quality of the schools which they already had. The Education Report of 1861 afforded in many places evidence that with an efficient school and schoolmaster the attendance was very satisfactory. The parents themselves knew when the school was a good one, and would rather send their children three or four miles to a good school than send them to an inferior school close by. Mr. Fraser considered that there was a necessity for improving at least two-thirds of the agricultural schools he had inspected. It was not, perhaps, the right time, nor would he presume to offer suggestions as to what should be done to improve the condition of those schools, but he agreed with the noble Lord as to advancing more Government aid to poor rural districts, which were absolutely untouched by the present system. In some cases the Government should take the initiative, and might require some assistance from the parish, whether in the shape of local rates or otherwise; then there would be a chance of getting better schools, because they would have the invaluable assistance of Government inspection. The next point was regularity of attendance, which all the Assistant Commissioners considered essential. Now, in spite of the ignorance and apathy that were said to exist among parents, he found it corroborated by evidence from all quarters, that the poor always appreciated the advantages of a good education. He lived in a more favoured part of the country than the hon. Gentleman who had moved the Resolution (Mr. Fawcett), and he might state that in Glendale Ward, in his own county of Northumberland, it was reported by the inspector that, in the winter months, the percentage of children attending school was such as to compare favourably with results obtained in Prussia which was so often quoted, and where compulsory education was engrafted into the national life. As to the effect of poverty in causing parents to keep their children from school, he found the most contradictory evidence. Mr. Fraser said that in no county were agricultural wages up to the mark to enable labourers to send their children comfortably to school; but, on the other hand, the Report of the Commissioners of 1861, on Popular Education, stated that poverty was more frequently the excuse than the justification of the parents. In considering the remedies for the present state of things the hon. Member for Brighton attached great value to the half-time system, and seemed to prefer the half-day to the alternate day system; and he stated also that he believed that the feeling in Northumberland would be in favour of adopting that system and making it compulsory. But he believed the evidence would hardly bear him out, for he found, among numerous other instances, that the Chamber of Agriculture at Morpeth had given their opinion that the age at which children should be sent to work might safely be left to the discretion of the parents, and that while there would be no practical difficulty in keeping the children at school to the age of twelve or thirteen, the adoption of either the half-day or the alternate day system would be impracticable. In no single instance, so far as he was aware, had the half-day system been successful. The general conclusion to which the Commissioners came, was that children should not be allowed to be employed in agriculture till they had reached the age of ten; and the hon. Member for Brighton said that, if they made that condition, there must be some guarantee for the attendance of children at school till they reached that age. That was quite true, and there might be some means of testing the fact by certificate either of age or education. One objection commonly raised to the restriction was the effect it would have on the earnings of the children and the aggregate family earnings. But the answer to that was it would tend immediately to raise the wages of those who were old enough to be employed — to improve juvenile labour, and make it more remunerative to farmers, occupiers, and the agricultural labourers themselves whose families were employed. The hon. Member for Brighton had not alluded to the employment of women in agriculture, and therefore he (Mr. Ridley) would not enter upon that subject, further than to say that, in the Report of the Commissioners, it was described as not injurious under certain circumstances and under certain conditions which were almost obvious. There was also the question of gangs; public gangs had nearly passed away, but it might still be necessary to make some restriction with respect to private gangs of a similar character to that which had been so favourably received in the case of the public ones. The hon. Member for Brighton had also spoken of the imperfect cottages of the agricultural poor, and had insisted on the necessity and importance of improving them. What the hon. Member had said was undoubtedly true in many parts of the country, and was due mainly to two causes: one, that cottages were in some counties allowed to be built by mere speculators; and the other that it had as yet been found very difficult to get a fair money return for building good dwellings. These things must be left to remedy themselves; but, taking the general question of labourers' dwellings, very great benefit accrued in cases where landowners made every farm supply accommodation for its own labourers. This practice should be, if possible, universal, and he thought he might add that the practical stipulation should generally be made that, although the tenant should choose his workmen, they should become the direct tenants of the landlord. Cottages had been much improved of late by means of money borrowed from the Inclosure Commissioners, and this improvement would go on more rapidly if the conditions on which the money was lent were less stringent. There was another remedy for improving the condition of the labourer, and that was the proposal, supported by the hon. Member for Brighton, that every cottage should have a small garden attached to it, and where practicable, a small allotment. He believed that there was a very great weight of evidence in favour of provisions of that kind, but it was almost impossible to pass an Act which should uniformly apply to all counties. His egotism would, he hoped, be pardoned, if he referred with pride to a parallel between the labourers of Bedfordshire and Northumberland, drawn by Mr. Cullen, in which he showed that in the one case the man had a high sense of his moral responsibilities, and in the other he had little thought of the kind. The reasons he gave for this were, in the main, that the Nothumberland labourer, and more especially in Glendale Ward, was sure of his wages all the year round, whether sick or well, that he was paid partly in kind, and that he did not drink beer. The causes of this difference, where the wages in the two cases were very much the same in amount, were well worthy the consideration of legislators in the matter. Legislation, if they were to have it, and he thought it was on the whole advisable, must of course be of a *quasi*-compulsory character—all restrictive legislation was of that character: but, in legislating, it was necessary to keep two facts in mind—firstly, that the natural demand for labour must not be interfered with, and, secondly, that something higher than the mere intellectual culture of the labourer must be sought for — moral independence, which would lead the labourer to feel the moral responsibility of educating his children would tend towards raising the standard of education at which he aimed, and, above all, would dispel the common notion that education ceased with leaving the school. He did not know whether the Government would agree with the Motion of the hon. Member, or whether the hon. Member would go to a division, but if he did, he (Mr. Ridley) should be compelled, notwithstanding the Motion might be considered as premature when it was remembered that the Commission of Inquiry had not yet fully reported, to go into the same Lobby with him.

MR. BRUCE said, the hon. Member for Brighton (Mr. Fawcett) deserved the thanks of the House for the care and ability with which he had presented his case to the House, Beyond doubt, the subject was difficult, and though the hon. Member had firmly grappled with those difficulties, they remained the best, if not the only, excuse for Parliamentary inaction in the matter up to the present time. Even the able men now sitting as a Commission of Inquiry upon the subject had carefully avoided expressing any opinion as to the manner in which the subject should be dealt with, and had contented themselves with giving the Reports of the Assistant Commissioners, which were well worth the attention of hon. Members. The hon. Member spoke of the agricultural population as being in a degraded social position, if he did not use a stronger phrase; some portion of the class undoubtedly deserved the description, but the condition of a large portion also could be reviewed by any Englishman with honest pride. And this was not only the case in districts where wages were highest—in Northumberland, for instance, and the North of England generally. In the county of Wilts, mentioned by the hon. Member. he (Mr. Bruce) had been struck with the neat cottages and tidy children of labourers earning 10*s*. or 12*s*. a week — a condition of things, in fact, which would favourably compare with districts where the labourer earned 25*s*. and 30*s*. This was strikingly the case in Northumberland, the model county, which had years ago been reported on as the best-fed county. An admirable description of the state of society in Northumberland had been given by an Assistant Commissioner, son of a most honoured Member of this House (Mr. Henley), who showed what could be done by an educated peasantry on 15*s*. a week. Again, it must be recollected that the deficiency of education, which he agreed with the hon. Member for Brighton was the cause of so large a portion of the misery of this country, was not due simply to low wages; it was due mainly to the want of real interest taken by the parents in the education of their children. Because although it might be true that nearly every labourer you might question would say that it was a good thing for his child to go to school, you did not find in general among the English population that earnest desire for education which marked the Scotch peasant, whose ancestors had been educated for 200 years, and therefore knew how to value it. Upon wages no higher than those in our English counties the Scotch peasant contrived to secure for his child an education which would not only enable him to fulfil the duties of his station, but often to enter the Universities and rise to a higher position in life. What we wanted, therefore, was to animate our people with a greater desire for education, but it would not do to wait until their convictions on the subject were ripened. He agreed with his hon. Friend the Member for Brighton, that Parliament must interfere; compulsion in some shape, such as was applied to the manufacturing districts, must be extended to the agricultural classes also. In what form was that compulsion to be applied? He should be cautious in expressing any decided opinion on the point. His hon. Friend the Member for Brighton held that the application of the half-time system was not suited to the agricultural population; he was likewise opposed to the plan of setting aside a certain number of hours in the year, and took refuge in what he represented to be the alternate day system adopted with so much success by Mr. Paget. But his hon. Friend had admitted that Mr. Paget had been obliged to modify the system, and almost to adopt that very one which his hon. Friend disapproved so much. And here he would remind his hon. Friend that the experiment tried by Mr. Paget was tried under very peculiar conditions. His hon Friend drew attention to the fact that one of the reasons why children were withdrawn at so early an age from the schools was the paucity of labourers in the agricultural districts. Everyone knew that a large number of our agricultural population were being continually draughted into the towns, and, generally speaking, there was so small a resident population in the agricultural districts that all the labour available was required. But that was not the case in the district where Mr. Paget's experiment was tried. The village adjoining his property had between 2,000 and 3,000 people engaged in the stock-ing and other manufactures, and there was such a surplus of labour that Mr. Paget had no difficulty in procuring on alternate days the maximum of children's labour that he required. Therefore his experiment was no guide for purely agricultural districts. But Mr. Paget found that even the alternate day system was not sufficient. He said it was not simply a question of time, but of weather and of seasons, and that attendance at school must be made to depend upon their variations. The consequence was that after twenty years' experience, Mr. Paget was of opinion that a much more elastic system was necessary, and the recommendation which he made was this, that no child should be employed before nine years of age, and then only upon passing an examination to show that he had received some degree of elementary education; and that, between nine and thirteen or fourteen, he should attend school ninety days in the year; that during nine months of the year he should be at school at the rate of eight days in the month, and that during the remaining three months the attendance should be given in the manner most convenient to the child. He had no doubt himself that the good sense of the Commissioners would lead them to the adoption of a system which would be suited to the varying habits of the country. He had now to deal with the Motion of his hon. Friend, who asked the House to pass a Resolution that the Government should legislate upon this subject during the next Session of Parliament. He would remind his hon. Friend that, though the Government might introduce a measure, it was Parliament alone that could legislate. But his hon. Friend must feel how absolutely impossible it was for the Government, with the best intentions in the world, to pledge themselves to introduce a measure on this subject next year. It would be their duty, he hoped, to introduce a measure upon the vexed question of general education. His noble Friend (Lord Frederick Cavendish) had said that, in order to give practical effect to any good system of agricultural education, we must improve our general system of elementary education. Well, there might be no reason why a great measure of national education might not be carried, concurrently with the introduction of an improved half-time system, into our agricultural districts. But here we were met by another difficulty. The hon. Member for Brighton had bestowed a just eulogy upon the late Government for what they had done for the education of the people by the extension of the Factory Acts, and by their Workshop Regulation Act. But, however valuable the Factory Acts might be, it must be admitted that the Workshop Regulation Act had been very far from successful, and that improvements in the machinery of inspection must be effected before that result could be attained which Parliament desired. But if that difficulty arose in the case of populous towns, how were we to provide proper inspection for agricultural districts, where the population was thin and scattered, and the work of inspection would be so much more difficult? All these things would have to be attended to before they should be able in the next Session of Parliament to deal with the question. He could not accept the Resolution in the words in which it was framed. He hoped his hon. Friend would take his assurance that, when they received the Report of the Commission Her Majesty's Government, would endeavour to give it effect in the manner that would be most satisfactory.

Mr. HENLEY said, there was one difficulty which appeared to have been carefully avoided in the course of this debate. The hon. Member for Brighton (Mr. Fawcett), the noble Lord who followed (Lord Frederick Cavendish), and his hon. Friend below him (Mr. White Ridley), all seemed to speak as if the education of the people was to be treated only as something which contributed to material interests; but he had not heard a single word about education in the sense of training children, not only for this world, but for the world hereafter. When they came to that great question, he did not believe they would find the great body of the people of this country indifferent. Though very much had been said of the want of education in many parts of the kingdom, they had not gone into the question whether the moral state of the people had been improving or not. This was a matter which ought to be looked to; whether the mere training of the intellect had produced the results that had been wished. At all events, hon. Gentlemen appeared to take no notice whatever of the higher training that children might get in these schools. Improvements in labourers' cottages were very necessary; but, in this very town thousands and thousands of families were living in single rooms, under conditions to which the rural population were not exposed. He only rose to show how these questions branched, and how difficult it was to deal with them. The people of this country would not be satisfied with any system of education which did not secure the highest moral training, based on religious teaching.

MR. SCOURFIELD said, that the difficulties of the question were very great; for they were the difficulties attending the attempt to combine the benefits of two opposite systems — the systems of a free country and of a despotism. They could not have the two things together, and they must make up their minds as to which they would have, and abide by their choice. He begged to protest against the charge of gross ignorance which had been brought against the agricultural population. He would call no man ignorant who was able to perform in an efficient manner the duties which he had contracted to perform, and they had no right to judge the agricultural labourer by the standard which some hon. Gentlemen had adopted. As to the proposed system of inspectorship, he would like to know how they could possibly carry a minute system of that kind into operation in the agricultural districts. The cause of education might, he was sure, be promoted without additional expense, if those who professed to be the great friends of the cause would not make themselves so disagreeable as they did in advocating education throughout the country. The dictatorial and offensive tone they assumed often caused a re-action against the very system which they attempted to promote. It would, he conceived, be highly imprudent for the Government to pledge themselves to introduce any system of education until they were fully prepared with the details of a scheme which would inspire confidence in the persons chiefly interested in it, and he hoped they would assent to no Resolution which would only excite vague hopes. He remembered hearing that a Prime Minister had once said that he never apprehended danger so much as when the Council broke up with the determination that something must be done, without any one having stated what that something was to be.

COLONEL BRISE said, he must admit the necessity of compelling the children of the agricultural classes to attend school up to a certain age; but the limit of age was the great difficulty, and he feared that even ten years of age would be too high a standard. He had also no objection to a system of rating upon owners for educational purposes; but before that was done a revision of the system of local taxation would be necessary.

MR. G. GREGORY said, it was necessary to carry with you the feelings of the rural population in any system of education that was adopted; but he did not believe this was possible if you adopted the compulsory system.

MR. FAWCETT said, that after the speech of the right hon. Gentleman the Secretary of State for the Home Department he would not divide the House

Amendment and Motion, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

### METROPOLITAN BOARD OF WORKS [LOANS] BILL.

Resolutions *reported,* and *agreed to:* — Bill *ordered* to be brought in by Mr. DODSON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. GOSCHEN.

Bill *presented,* and read the first time. [Bill 181.]

House adjourned at a quarter
after Two o'clock till
Monday next.

## HOUSE OF LORDS,

*Monday, 28th June,* 1869.

MINUTES.]—*Sat First in Parliament*—The Lord Ashburton, after the death of his Father.

PUBLIC BILLS — *First Reading* — Bankruptcy* (154); Fines and Fees Collection* (155).

*Second Reading*—Endowed Schools (139).

*Third Reading*—Poor Relief (Ireland) Act (1862) Amendment* (124); Pier and Harbour Orders Confirmation* (134); Inam Lands* (143), and *passed.*

## ENDOWED SCHOOLS BILL—(No. 139.)

(*The Lord President.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL DE GREY AND RIPON, in moving that the Bill be now read the second time, said: My Lords, I am quite sure that none of your Lordships who have given any attention to the subject will differ from me when I say that this measure is one of the greatest importance, whether we consider the subject-matter of the Bill — the middle-class education of this country—or the number of the institutions and the magnitude of the endowments with which it proposes to deal. I must remind your Lordships that those institutions are between 2,000 and 3,000 in number, and that they possess endowments the gross annual income of which amounts to nearly £600,000, while the net income applicable to educational purposes is about £340,000. It is my duty to explain the grounds on which Her Majesty's Government have introduced this Bill, the reason why it has thought that the present state of these schools is far from satisfactory, and what is the machinery by which they propose to remedy the evils that exist. Your Lordships will remember that, in 1818, a Commission was first appointed, at the instance of Lord Brougham, to inquire into endowed schools and other charities; and that since that date several Commissions have been appointed, by which the condition of various charities has been inquired into, and that some measures have been passed to remedy the evils which those inquiries had laid bare. In 1840 the Grammar Schools Act was passed; and since that time the existing Charity Commission was established with the view of dealing not merely with endowed schools but with endowed charities generally. Notwithstanding those measures, however, it was felt that the endowed schools of the country remained in a very unsatisfactory condition; and this conviction forced itself so strongly on the Government of Lord Palmerston, that in 1864, on the proposal of my noble Friend (Earl Granville), who then occupied the post which I have now the honour to fill, Lord Palmerston appointed a Commission, at the head of which was my noble Friend behind me (Lord Taunton). That Commission prosecuted their inquiry for three years with the greatest assiduity, and ultimately presented a Report, which I think none will deny to have been one of the ablest and most interesting Reports ever laid before Parliament. The inquiry, indeed, as all will admit who have read—I will not say the numerous volumes containing the Appendices, but the volume containing the Report itself—was of the most exhaustive character, and it showed the present state of these schools to be in many respects most unsatisfactory. No doubt there are some schools that are working extremely well, and which could not probably be advantageously interfered with; but there are others which have been altogether perverted from their original intention, and which have fallen into a condition of almost entire abeyance. In fact, a large proportion of them are in a state of somnolence and lassitude, resulting partly from the system under which they exist, and partly from the fault of those intrusted with their administration, which has deprived the country of the advantages which the funds placed at their disposal ought to confer on the public. It is true that means already exist by which the evils may be remedied; but the Report of the Commissioners points out that neither the Court of Chancery, with its slow, cumbrous, and expensive machinery, nor the more rapid and less expensive jurisdiction of the Charity Commissioners, can strike at the root of the evil or apply to it any sufficient remedy. Neither of them, it must be remembered, can move except when put in motion; and they can only deal with cases individually, having no means of considering the nature and requirements of the schools as a whole, their sphere of action in that, as in many other respects, being very limited. The Bill, therefore, proposes to substitute a new authority, which shall have the power of making changes in the administration of the schools. The Bill, as originally framed, consisted of two parts, one providing a temporary machinery for the purposo of revising the administration of the Governing Bodies, and the other machinery of a permanent character for the purpose of giving security as to the future appointment of Masters. The Select Committee, however, to which it was referred, very judiciously as it appears to me, divided it, in order that the temporary provisions might be passed this Session, and that the permanent organization might be considered at a future time. The object of the Bill, therefore, which is now before us, is the preliminary one of examining the existing state of each school, and of placing its administration on a sound basis. Of course the first matter which the Government had to discuss was what body these powers should be intrusted to. The Commissioners recommended that the Charity Commission should be the central body, and that in each district a local commission should be appointed to prepare a scheme in the first instance. Now, with regard to the Charity Commissioners, I am glad of this opportunity of bearing testimony to the manner in which the duties intrusted to them, under the limitations which Parliament imposed, have been performed, to the zeal and intelligence they have manifested, and to the large amount of public confidence which they have acquired. The Commissioners, however, represented that their duties had become so extensive and multifarious that their existing machinery scarcely sufficed for the discharge of them, and that they could not undertake any new duties without changes which would have been equivalent to a complete re-organization. They said, moreover, that they have no special educational element; and the work to be performed being of a temporary character, it appeared better that it should be intrusted to a distinct Commission. With regard, moreover, to local commissions, there were difficulties to which the Commissioners had themselves called attention, and the Government found that there were at present no means of making such bodies really representative; while it would not have been convenient for the Government to have selected such Commissioners in the different Registrar General's districts or in the various counties on their own authority. We therefore thought it better to intrust the preliminary work to a single Commission. We felt, however, that Parliament would justly require for work of that description distinct Parliamentary responsibility — and I must say that inconvenience has sometimes arisen, even with respect to the proposals of the Charity Commissioners, from the want of such responsibility; for I have occasionally observed that when Bills sanctioning schemes of the Commissioners have been laid before Parliament by a Member of the Government they have not received from him so much support as might fairly have been expected. Now the Bill provides that the schemes to be prepared by the new Commission shall be submitted by them to the Committee of Council on Education, who, if they approve them, will lay them before Parliament on their own responsibility. Thus, there will be an officer of the Government in both Houses responsible for any proposals that may be made. We propose, moreover, to follow the system introduced with regard to Oxford and Cambridge, and which was extended to the Public Schools Act of last year, by providing that all schemes shall be laid before Parliament for forty days, and shall not take effect if objected to by an Address to the Crown from either House. The Bill proposes to intrust the Commission with very large powers—for the Charity Commissioners—working with the best intentions and with the greatest energy—have been hampered by the want of such powers, without which the Bill would, I am confident, prove quite ineffectual. The Bill, at the same time, insures ample security for the full consideration of all objections and suggestions. In the first place, it provides that in the case of every charity the annual endowment of which exceeds £10,000—these, of course, being very few in number—the present Governing Body may within one year, as in the case of the Public Schools Act, propose their own scheme and may submit it to the consideration of Parliament. Charities whose income exceeds £1,000 a year are allowed six months for the same purpose; while with regard to minor charities, which have not this right of initiative, the Commissioners on preparing a scheme must send it to the Governing Body, and make it generally known in the district—being bound also to receive and consider any alternative scheme or suggestion that may be offered. Charities will thus have a power of appealing to the Government of the day, represented by the Committee of Council; and ample opportunity will be given when the Bill is before Parliament to every interest affected of bringing forward any plans, or making any representations, It was the intention of the Government that the scheme of the Commissioners should come direct from them to the Committee of Council. It has been deemed advisable to make certain exceptions. In the first place, the seven principal foundation schools to which the Act of last Session was applied are excepted. All endowments of less than £50 a year and all schools in the receipt of annual grants from the Privy Council are likewise excepted, as also the schools belonging to the National or the British and Foreign School Societies which have no actual endowments except school buildings or teachers' residences. The Bill takes particular notice of the education of girls. The endowments have of late years been almost entirely employed for the benefit of boys; but in many cases this was not their original intention, and the education of girls is just as important for the country as that of boys; while with regard to girls of the middle class it is at present very inadequately provided for. There is, consequently, a clause which, without unduly fettering their discretion, directs the attention of the Commissioners to that subject. Another clause, in which great interest is felt, enables the Commissioners, under certain limitations, to deal with charities which are not strictly of an educational description. The original proposal was that this should be done with the consent of the Charity Commissioners; but the Select Committee of the other House thought it better that the consent of the Governing Body should be substituted, so as to guard the charities from any compulsory or coercive action. Such being the machinery proposed, let me call your Lordships' attention to the nature of the work to be performed, and to the principles on which it is desirable that these schools should be organized. Now it will be the duty of the Commissioners to pay every respect to the claims of the particular localities in which these charities exist; but they will not, I should imagine, overlook the importance of endeavouring to bring these scattered institutions into a more harmonious system of working than at present. A map which I have prepared shows that these charities are spread over the length and breadth of the land—that these school endowments exist from the North of England to the Land's End. Then came the question of the application of these endowments. A question which is of very great interest is that of gratuitous education. A great many of the schools are at present bound by their statutes to afford gratuitous education to the inhabitants; but I am sure that no one who has read the Commissioners' Report will doubt that great evils have resulted from that system, and that it has had the effect of lowering the character of the schools and the standard of the education given in them. When, moreover, the Master's salary is provided by endowment, exclusive of any dependence on fees derived from the students, it tends to take away all stimulus. I hope, therefore, the Commissioners will keep before their minds the importance of making only a portion of the salary depend on a fixed endowment, and of making it chiefly depend on fees to be paid by the scholars. Now these schools may be divided into three classes. Some of them give instruction of a similar description, and to the children of persons occupying a similar station as those to which the Public Schools Act was applied—they are on the same footing as the exempted schools; they are not confined to any locality, but are extended all over the country. Another class educates the children of professional men and persons engaged in trade and commerce; while the great mass of them—equal, probably, to the other two classes put together—are intended for the education of children of the lower middle class, and of skilled artizans. Now it is well known that the class whose education is at present in the most unsatisfactory state is the lower middle class, and it is very important that schools intended for their benefit should be improved; but the labouring class must also be considered, for it was the intention of many of the founders of these schools to afford the means of a good education to intelligent children of that class. No one would resist more strongly than I would any attempt to take away from them any opportunity of rising in life and obtaining the benefits of a higher description of education; but I am confident that the gratuitous indiscriminate education of children of that class in schools where the education ought to be of a higher standard than that given in primary schools will not really benefit them, but rather the selection from that class of the most intelligent children, and by affording to those the means of a higher education. This may, and I trust will, be done by the application of the system of Exhibitions to primary schools, and by the winners of those Exhibitions being sent up to the secondary schools. Such a plan, if well worked, will enable children of all classes, from the very bottom of society, to enter the secondary schools, while it will also have the effect of stimulating the National and primary schools. Such being, then, the object of the Bill, and such the machinery by which it is proposed to effect it, you Lordships will see that there is a good work to be done. Some of these ancient endowments have, in the lapse of time, become grossly misapplied, and others have been rendered almost useless for any practical purpose by what I may term a slavish adherence to the letter of the founders' bequests, coupled with an utter neglect of the spirit, while they exist, as I may almost say, by accident, and work with no regard for each other. We hope to infuse new life into them, and to adapt them to the altered condition of society, so that they may still perform the noble task—a task of universal and perpetual application—for which they were designed, and may benefit all classes of the community.

*Moved*, "That the Bill be now read $2^a$."—(*The Lord President.*)

EARL NELSON said, he thought the measure one likely to give an improved education to the children of the middle classes, and, at the same time, to admit a portion of the children of the working class to its benefits. Many of these institutions had been founded at so distant a date that, in considering the question at the present time, they must divest themselves of sectarian prejudices and look at the matter in the broad light of Christianity. He was glad, therefore, to find that the Bill proposed to secure the denominational, which to his mind was another name for the religious, education of day scholars in these schools. Indeed, it had been said that the whole Bill was a gigantic Conscience Clause. For himself he believed there would be no real education without a religious or denominational education, and there could be no real system of denominational education without a comprehensive Conscience Clause. He had not heard in the speech of his noble Friend any reason for not going still lower in the scale of endowments; he could not make out why his noble Friend exempted schools with very small endowments, or those in receipt of Parliamentary grants, from the operation of the measure. There was no class of educational endowments which did more harm in many cases, and in others less good, than the endowments in these small schools; they did not provide any better education than unendowed schools, and only saved the pockets of persons in the neighbourhood. What was wanted was the lowest step in the ladder, by which boys in the working classes might be able to rise. He hoped these endowments would be handled by another Commission; and that, by some such plan as by converting these small endowments into scholarships, a boy of the working class might be enabled to rise from one step to another, passing from school to school, till he might get to the University. By this means they might be repaying an old and a great debt. Such means were formerly afforded by the monastic institutions, in which persons of the lower class were enabled to enter the Church; so that in the times of the Henries and Edwards many persons of humble origin played important parts in the government of the country. Unfortunately, under the Reformation, the monasteries were destroyed, instead of being reformed, and that condition of things came to an end; and when through the suppression of the monasteries and the extension of education among the middle classes the clergy lost their exclusive position, the status of the lower classes proportionately declined. He considered, therefore, that if the grammar schools were made, as it were, a step in the ladder, so as to give the lower classes the means of raising themselves in the social scale, the country would only be paying back to those classes what was due to them, by recompensing them for the loss of the monastic educational institutions which had been so rudely and rashly taken away. He quite agreed with what had been said by the noble Earl (Earl De Grey) with respect to gratuitous education. Primary education alone gave boys of the working classes no opportunity of rising to a higher position; and his own opinion was that, by giving even small scholarships to the sons of the working classes, a great stimulus would be given to education. He was convinced that if such a plan were carefully carried out a good and sound system of education would be established; people would be induced to endow still more; and others would be induced to supplement the endowments by annual subscriptions. In the main he gave the Bill his hearty support; but he felt strongly that it would not accomplish all which it might have done had the small endowments belonging to the parochial schools been dealt with.

The Bishop of ELY said he was very far from offering any opposition to the Bill, for the necessity of some such measure had been universally admitted; but he desired to point out that if the Bill passed in its present shape, the power given to the Commissioners would be so great, as very greatly to endanger the religious character of our grammar schools. A very large number of these were founded in the 16th century, and he believed that the basis of every school founded in that period was religious, the intent of the founders being that secular should be subservient to religious teaching. Now the 10th clause empowered the Commissioners to remodel the Governing Body; the 17th provided that except as hereinafter-mentioned, no person should be disqualified for the Governing Body by religious profession or opinions; the 18th affirmed that a Master need not be in Holy Orders; the 19th enacted that no new scheme should make any provision respecting the religious instruction or attendance at religious worship of the scholars, "without the consent of the Governing Body." The Commissioners and the Governing Body might, therefore, make any alteration as to religion that they might desire, and the former might change the Governing Body, and put in persons who were disposed to agree to such alterations. He did not wish to attribute any such intention to them, and he hoped the feeling of the country would always prevent education from being altogether divorced from religion. For his own part, he would rather see education based on some form of Christianity with which he did not agree than see it with no religious principle at all; and therefore he insisted that, in giving such large powers to the Commissioners, care should be taken to guard against the possibility of such powers being abused, especially in the direction of undermining the religious character of the instruction. To guard against such a contingency, he should in Committee move Amendments in accordance with the suggestions he had thrown out.

Lord TAUNTON tendered his thanks to the Government for the very prompt manner in which it had given effect to the recommendations of the Royal Commission that had inquired into the subject; and, as Chairman of the Commission, was gratified to find that those recommendations were likely to result in something useful. Although composed of persons of diverse religions and political opinions, the proceedings of the Commission had been characterized by perfect unanimity; all its members were alike bent upon the single purpose of doing their utmost to advance the great cause of education, and their investigations were conducted to the one end of seeing how the endowed schools could be improved, and how they could be made more effectual for improving and elevating the general education of the country. That there was great room for improvement no one could doubt. Their attention had been first attracted by the abuses of endowed schools, the enormity of which was such that many persons—some of them of great authority—had recommended their abolition altogether. With this proposition however, he (Lord Taunton) did not agree, although he quite believed that therewere many and great evils that required immediate remedy. The Commission, therefore, considered the matter with a view to recommend some plan for using endowed schools to educate the middle classes. He believed there was something inspiriting, both to Masters and scholars, in being connected with ancient places of education where honourable associations abounded; but he was prepared to admit that, rather than permit endowed schools to continue as at present, with all their perversions and abuses, he would have them swept away altogether. Instances were not uncommon of a sinecure Master driving away scholars from his school because they added to his labour without increasing his income, and of schools so ill-conducted that they had only sufficient life in them to prevent the establishment of competitors. Surely it was time to put an end to such a state of things, and he was glad to see that the Government had seriously applied themselves to this great and necessary work. The clauses of the Bill would be better dealt with in Committee; but he could not help remarking that the right rev. Prelate (the Bishop of Ely) must be mistaken in supposing an opening had been left by which the religious teaching of the schools might be affected. He (Lord Taunton) did not believe such would be the case. At present there was no difficulty in the way of imparting the religious instruction, Dissenters being found quite willing to allow their sons to attend the religious teaching given in accordance with the forms of the Church of England; and he saw no reason why difficulties should arise in the future. With reference to the remarks of the noble Earl opposite (Earl Nelson), one of the chief objects of the Commissioners was to establish some system under which Exhibitions might be obtained by the most able boys, whatever their social position might be. He would think ill of any system which would not permit a boy to achieve the highest rank, if he had the ability and wanted only education to do so; indeed, it should be the object of statesmen to utilize whatever talent the lower classes afforded for the benefit of the State, as it was the object of many of the founders of the schools with which the Bill dealt. Dealing with the question of examination, he (Lord Taunton) advocated the competition not only of scholars with scholars, but schools as against schools, in the belief that such a course would stimulate Masters. Well-conducted schools had nothing to fear from such examinations; it was only the bad schools that would be prejudiced by them. The Bill came before this House under most encouraging circumstances. It had passed through the other House without a party division; and the leading men on both sides of the House had vied with each other in supporting Amendments to increase the efficiency of the Bill. The same excellent spirit had been manifested both on the second reading and in Committee. Much was due to the good sense and the conciliatory qualities of the right hon. Gentleman (Mr. W. E. Forster) who had charge of the Bill in the other House, to his thorough mastery of the subject, and to the statesmanlike manner in which he had handled its details; and it was no slight success which he had achieved in sending up the Bill in its present shape to their Lordships' House. He hoped this opportunity would not be lost of putting an end to a great scandal and a great evil, and of laying the foundations of a system which would not only put these schools on a proper footing; but would ultimately lead to the still more important end of effecting a permanent improvement of the middle-class education of the country.

The Earl of CARNARVON: I desire, my Lords, to re-echo the expression which fell from my noble Friend who spoke a few minutes ago (Lord Taunton), when he congratulated Her Majesty's Government—and he might also have congratulated himself, considering the large share which he has taken in this question—on the fact that, in a Session when so many exciting subjects have been brought forward, one of a quieter and calmer nature should have successfully passed the House of Commons, and should now be in a fair way of receiving your Lordships' assent. One of the most difficult and important points that this Bill deals with is, of course, connected with those numerous difficulties which beset our path when we endeavour to ascertain the intentions of founders. No one, I think, can have considered this question without having come to the conclusion that legislation is necessary. Of course, where circumstances remain much the same as they originally were, where the object which the founder had in view was a good object, and is one which can even now be faithfully and satisfactorily carried out, we must all be desirous that there should be no interference with the founder's wishes and intentions; but where as is the case with so great a number of endowed schools, the objects for which the funds were originally given are now impossible, or are such as it is not desirable to carry out, the consequence is that the schools are neglected, where the Schoolmaster is unconscientious, or where the funds have been misappropriated, in such cases, I believe that it is not only the right but that it is the duty of the State to exercise its power of interference. But few, I think, who are at all acquainted with the history of these foundations, can doubt that in most instances it was the object of the founders to afford the means by which a number of men could be raised up, as they themselves frequently expressed it, "to do good service both to Church and State," and to place within reach of the poorer and the humbler classes those facilities which naturally do not fall within their grasp, but by means of which they might raise themselves higher and higher in the social scale. I think, also, that there can be little doubt that in the majority of cases, through change of circumstances and other causes, these intentions have miscarried. But no one can possibly doubt that the necessity for education is as great as it was in times past, and that it is just as important now as it was then to deal with this particular class of schools, and just as important to afford the particular class in the country for whom these schools were intended those facilities which the founders originally intended they should enjoy. When you come to deal with the clauses there are some few points which I think require attention, but generally and in substance I heartily approve this measure. I cannot sit down without saying that, from what I have heard, the successful conduct of this Bill is to a great extent due to the tact, judgment, and spirit of conciliation displayed by the right hon. Gentleman the Vice President of the Committee of Education (Mr. W. E. Forster). Everyone was already aware of the ability of that right hon. Gentleman; but he is entitled to the highest praise for the eminently conciliatory manner in which he has dealt with the measure, and with which he not only met but in a great degree disarmed all opposition to its progress. That is the spirit in which such a subject, necessarily involving as it does much difference of opinion, ought to be handled, and in which it ought upon all sides to be considered. I hope my noble Friend the President of the Council will at once let us know on what day he proposes to take the Committee on the Bill.

The Earl of HARROWBY congratulated Her Majesty's Government on having conducted so important a measure to its present stage. It was, no doubt, a just matter of congratulation to the noble Lord (Lord Taunton) to see the result of his four years' hard labour as Chairman of the Commission embodied in a measure of this character—which he regarded as the commencement of a reform of what was a national reproach and a national scandal. He must express, too, his gratification at the manner in which the measure had been conducted through the House of Commons. He believed the Government had shown in the progress of the Bill through that House that they were actuated solely by a desire to promote a great national object irrespectively of all party or sectarian feeling. He was happy to be able to add that Parliament and the country might, in his opinion, place the strongest reliance in the ability and character of the Commissioners to whom the supervision of the new system was to be intrusted. The Bill did not pretend to be a new code of education; it did not attempt to dissociate religion from education; it simply provided that religious feelings should be respected; and in respecting them it would not, he felt persuaded, impair the fervour of religious convictions. He hailed the introduction of the measure as the advent of a better era, of which the principle was that religion should be the basis of every kind of teaching, but that a large allowance should be made for differences of creed. He hoped that an arrangement would be adopted under which throughout the different districts of the country the endowed schools would be classified, so that they should not all be attempting to do the same thing imperfectly; but that there might be a gradation in the character of the education imparted, so that a scholar might pass from a lower to a higher class of institution. In that manner young men of the humbler class might find their way to the Universities; and although such a system would involve some sacrifice of local feeling, he trusted that mere local jealousies would not be allowed to prevent the attainment of so desirable a result.

Earl FORTESCUE said, that as one who had taken a deep interest in this question, he concurred in the expressions of congratulation to the Government, and not less to the Opposition in the House of Commons, on the success which had hitherto marked the progress of this valuable and important measure. At the same time, as one of those who attached the greatest value and importance to local self-government, and who disbelieved in the permanent vitality of any central bureaucratic arrangements, he must express his regret that the Government had found it impossible to carry out that part of the able and exhaustive Report of the Commissioners which related to the establishment of local educational Boards. Having himself a strong county feeling, his preference was for a County Board; but he thought the Commissioners had given very good reasons why they should start with the larger registration district as the basis of the organization. He still hoped that the establishment of some system of local self-government would not only be entertained, but before long be successfully carried into effect by the Legislature. This Bill was an enormous stride, of great value; but he would not look upon any measure as permanently complete without the establishment of a local educational Board, or Governing Body, but with a certain amount of superintendence from a central Board in London, to deal primarily with educational endowments within their area. Instead of this Bill being a violent assault upon the principle of endowments, or inflicting a shock upon the principle, he looked upon it as the removal of a great scandal and evil, and the salvation of the principle of endowment, as rescuing it from disuse and disgrace. It was formerly said that the worst use a man could make of his money was to found a permanent endowment—that it would be sure to be followed by a misapplication of the funds, and that it would be an evil rather than a good to the county or town which he intended to benefit. This reform had come in good time to rescue the principle of endowment from discredit, and to encourage those who had money at their disposal, without stronger claims upon it, to found endowments, in the confidence that their wishes would only be superseded when they ceased to be useful owing to the altered circumstances and requirements of a later age, and that charitable and educational trusts would be administered in conformity with the spirit and liberality of the donor for purposes of public good, instead of purposes which were useless, and too often worse than useless. He thought that the Bill might probably be improved by further consideration on the part of their Lordships in Committee.

THE BISHOP OF GLOUCESTER AND BRISTOL said, it might be considered disrespectful to their Lordships if one or two members of the Episcopal Bench did not say a few words upon a Bill of so much importance, and so largely affecting the interests of the Church. He came down to the House strongly impressed with the feeling that it was undesirable that the Commissioners appointed by this Bill should have the very wide powers which were conferred upon them; but he frankly owned, after the remarks made by the noble Earl who introduced the measure, and after the valuable comments of the noble Lord (Lord Taunton) who was Chairman of the Commission, that he was in a great degree converted. The noble Lord had alluded to the state of the grammar schools in small towns; and, being acquainted with many of these schools in his diocese, he (the Bishop of Gloucester) must express his concurrence to a very great extent with his remarks. If the task of the Commissioners was to resemble the labours usually assigned to the legendary hero of all strength, and to be of a very cleansing character, the Commissioners must be armed with corresponding powers. With regard to the religious question, he concurred to a great degree with the generously-expressed views of the noble Earl (the Earl of Harrowby). He recognized in this Bill certain necessary provisions, and he concurred with the noble Earl in respect to the general teaching of religion by the present Masters of the existing grammar schools. The clauses relating to religious education would require some consideration. There had always been a tacit agreement between the two parties most divided in opinion on this subject, that if there was a free power on the part of the parent to withdraw a child from any portion of the religious teaching, there should also be a free power on the part of the teacher of expressing in other lessons his general sentiments, without any fear of being called to account for it. He perceived, however, with some slight anxiety, that one clause of this Bill gave the power to the Governing Body to interfere with a teacher who should persistently teach at a lesson other than a religious lesson that which was disapproved by the child's parents or guardians. He trusted that their Lordships would give some attention to the subject; but he admitted that this was a matter for Committee. In common with all the speakers in this debate, he must own that he recognized the general liberality of the tone of the Bill, and he by no means opposed the principle, although he reserved to himself the power of suggesting any Amendment in Committee. He must tender his sincere felicitations to the noble Earl (Earl De Grey) on the manner in which he had introduced a Bill containing in it so much of good, and calculated to settle so many difficult questions. On behalf of some most rev. and right rev. Prelates who were unavoidably absent, he wished to express their desire to have taken part in the debate, and their hope that they would not be precluded, on the Motion for going into Committee, from noticing the general aspect and principle of the Bill. He trusted that the noble Earl would concede that privilege to his absent brethren.

Earl DE GREY and RIPON said, he could assure their Lordships that the result of this discussion had been highly gratifying to him. It was most satisfactory to find that this Bill had met with so large a share of approval, so far as its main principles were concerned, on both sides of the House; and the fact, he hoped, afforded some prospect of a measure which had been so long needed being passed during the present Session. He would not detain their Lordships by entering into detail upon the points alluded to by the various speakers, with the single exception of that put by the right rev. Prelate (the Bishop of Ely). He could assure the right rev. Prelate that the clause to which he alluded, with reference to the powers of the Governing Body, was by no means intended to bear the construction he had placed on it. At the same time he would re-consider the matter, so as to remove any doubt as to the powers conferred by the Bill. He was extremely gratified by the tone of the observations made on the Bill by his noble Friend at the table (the Earl of Harrowby). With respect to the time when the Bill would be taken in Committee, it was difficult to speak with certainty, having so much important business before them this week. He would now name to-morrow week for the Committee, and hoped before then to state precisely on what day it would be taken.

Motion *agreed to.*

Bill read $2^a$ accordingly, and *committed* to a Committee of the Whole House, on *Tuesday* the 6*th of July* next.

House adjourned at a quarter past
Seven o'clock, till To-morrow,
half past Ten o'clock.

# HOUSE OF COMMONS,

*Monday, 28th June,* 1869.

MINUTES.]—Select Committees—New Law Courts; Seeds Adulteration, *nominated.*

Supply—*considered in Committee*—Civil Service Estimates—Class I.

Public Bills—*Resolutions in Committee*—Pensions Commutation.

*Resolution in Committee—Ordered—First Reading*—Shipping Dues Exemption Act (1867) Amendment* [184].

*Second Reading*—Poor Law (Ireland) Amendment (No. 2) [173], *debate adjourned.*

*Committee—Report*—Civil Offices (Pensions) * (*re-comm.*) [133]; Titles to Land Consolidation (Scotland) Act (1868) Amendment * [182]; Court of Session Act (1868) Amendment * [145]; High Constables' Office Abolition * [183]; Special Bails * [162].

*Considered as amended*—Civil Offices (Pensions) * (*re-comm.*) [133]; Greenwich Hospital * [105]; Endowed Hospitals, &c. (Scotland) * [124].

*Third Reading*—Bankruptcy * [169]; Civil Offices (Pensions) * (*re-comm.*) [133]; Land Tax Commissioners' Names * [54]; Park Gate Chapel Marriages, &c. * [111]; Prisons (Scotland) Administration Act (1860) Amendment * [143], and *passed.*

## "WRITERS" IN THE CUSTOMS.

### QUESTION.

Captain GROSVENOR said, he wished to ask the Secretary to the Treasury, Whether it would be incompatible with the interests of the public service to allow "Writers in the Department of Customs" fourteen days' leave annually without deduction of pay?

Mr. AYRTON said, in reply, that the persons to whom the Question referred were employed at daily wages, paid on a higher scale than formerly, on the understanding that they were to be paid only for the days that they worked; therefore it would be quite incompatible with the engagements they had entered into, for them to be paid for the days when they were not employed. It would be necessary for the Commissioners of Customs to employ other persons, and to give them the wages which would otherwise be earned by those persons. They were only allowed the holidays which were given by Royal command. He was sorry, therefore, the request could not be complied with.

## ARMY—MEDAL FOR SERVICE IN INDIA.

### QUESTION.

Mr. KINNAIRD said, he wished to ask the Under Secretary of State for

India, Whether it is intended to grant a medal or clasp to the Troops engaged in the Umbeyla Campaign?

Mr. GRANT DUFF said, in reply, that the India medal of 1854 was to be given to the survivors of the troops engaged on the North West frontier from 1849 to 1863, a clasp being attached for the North West frontier generally, and a special clasp for the Umbeyla Campaign.

### CHINA—AFFAIR AT PEKIN.

#### QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any account has been received at the Foreign Office in confirmation of statements published in the journals of Northern China, quoting letters from Pekin, that the French Chargé d'Affaires, M. Rochfort, had been grossly insulted in Pekin by a high functionary, and had demanded an apology, under the threat of hauling down the French flag, and that the other Foreign Ministers had concurred in the proceedings of M. Rochfort. Also, whether Prince Kung had resigned his seat as Chief of the Foreign Office, and that the Viceroy had been appointed to a seat in the Cabinet at Pekin?

Mr. OTWAY said, that no official information had been received at the Foreign Office of the circumstances alluded to; but he had seen them related in the *China Mail* of the 13th May, and at the risk of disappointing his hon. and gallant Friend, he must express an opinion that they were greatly exaggerated. In a St. Petersburgh letter in a Belgian newspaper of the 18th June there was an account of the transaction, and which stated that the matter had been completely and satisfactorily settled. The latest accounts received at the Foreign Office were dated to 16th April, and what his hon. and gallant Friend had been pleased to call a fracas occurred on the 18th, consequently after the last advices left China.

### SUPPLY.

Order forCommittee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

### AUDIT OF PUBLIC ACCOUNTS.

#### OBSERVATIONS.

Mr. CANDLISH said, he rose to call attention to the imperfect audit of the Public Accounts, and to the failure of the Departments to lay their accounts before the Auditor General. Before, however, adverting to that question, he wished for information with regard to two of the items in the accounts audited for the year ending the 31st of March, 1868. He regretted that the late Chancellor of the Exchequer was absent, as the question would rather apply to the late Government than to the present. In the very first Vote of Class I. there was an excess of expenditure amounting to £6,474 over the sum voted by Parliament. Of this sum of £6,474 no less than £3,700 were expended for works on the Norman Tower and Grand Staircase of Windsor Palace. He wished to ask how it was that a sum had been spent on works which did not appear in the Estimates. He also desired to be informed how it was that in Vote 6 of the same Class, while only £1,576 was voted by Parliament for the Embassy House at Paris, the sum of £3,608 was in reality expended upon it? The reason assigned was the change of Ambassadors, but he did not think that a valid one. The great Departments of the State had failed to state their accounts to the Auditor General in pursuance of the Act of Parliament passed in 1866. Under that statute a huge Audit Department was constituted. It consisted of a Controller and Auditor General, with a salary of £2,000 a year; of an Assistant Controller, with £1,500 a year; of a Secretary, with £945 a year; of six inspectors of the first class and seven of the second, and of thirty-four examiners. Altogether there was a complete staff of 129 persons, whose salaries and the expenses of the office amounted to £42,200 per annum. Now, from the Auditor General's Report on the Accounts of the year ending March 31, 1868, it appeared that only eighteen Votes were audited out of twenty-seven in the First Class. Six were submitted for audit in an imperfect form, and for three no accounts were submitted, and no audit took place. Of the sum, therefore, of £942,235 one-third never came under the cognizance of the auditor; and whether those sums had been expended properly and satisfactorily there were no means of judging. The Department had failed to render accounts for the expenditure of £4,000 on the Embassy House at Constantinople, and of £76,700 for Harbours of Refuge; £74,837 had been expended on Public Buildings in Ireland; £21,000 on the Sheriff's Court Houses in Scotland, and £27,000 for Rates on Government property, without any accounts or vouchers being produced. He asked whether it was fitting that, in the matter of rates, for which receipts were always given, the Auditor General should have no power of checking the accounts? Bad as things were in Class I., they were worse in the next Class. In Class II., there were thirty-six different Votes for the salaries and expenses of Public Departments; and the House would be surprised to learn that of these only four had submitted their accounts to the Auditor General, and furnished a correct statement of the appropriation of the money which Parliament had placed in their hands. The list of defaulting offices comprised the Privy Seal Office, for which £2,938 was voted for the year ending March 31, 1868; the Paymaster General's Office, which had received £20,200, and rendered no accounts; the Public Records Office, which had received £21,383; the Poor Law Board, which had received £312,798 and rendered no accounts whatever; the Mint, which had received £44,158; the Inspectors of Fisheries, who had had £39,622; the Office of Public Works in Ireland, which had had £24,620; the Chief Secretary for Ireland's Office, which had had £15,735. In all these cases the Act of 1866 had been disregarded and ignored by the Executive Government which placed it on the statute book. There were, besides, the Copyhold, Tithe, and Inclosure Commissioners, who absorbed £20,101; the Inclosure and Drainage of Land Commissioners, £11,600; the General Register Office for England, Ireland, and Scotland, £69,025; the National Debt Office, £16,424; the Public Works Loan Commissioners, £3,449; the Lunacy Commissioners, £14,440; the Postage of Public Departments, £167,350; the whole amounting to £860,639. None of these had rendered accounts to the Auditor General such as he could audit, and they were therefore without certification. Some of these had rendered cash statements, but those which followed had furnished no accounts or statements whatever:—the Houses of Parliament Offices, which had £73,491; the Treasury itself, £52,836; the Home Office, £27,308; the Foreign Office, £67,410; the Colonial Office, £33,250; the Privy Council Office, £30,423. In short, all the great Departments of State, with the exception of the Board of Trade, the Office of Works, the Woods and Forests, and another, had failed to render accounts to the Auditor General, the whole ameunt placed at their disposal being £1,199,819. The whole amount of money audited was £500,000, the remainder escaped audit altogether. The same neglect of duty was observable in the whole of the remaining five classes of the Civil Service Votes. The Courts of Law and Justice, with the offices attached, comprising Class No. III., had failed to render accounts in such a form that they could be audited, most of them furnishing none at all. Then there were the Colonial Consular Establishments, and other Foreign Services, comprising 229 distinct offices, and amounting to £1,800,000, which furnished no accounts whatever. The same was the case with the Education and Science Departments. In all £8,202,000 had been voted for the Civil Service charges in 163 Votes, on only twenty-four of which had accounts been furnished to the Auditor General and approved by him—eighty-eight had been submitted in an imperfect form, and of fifty-one no account whatever had been rendered. Now, if a public auditor of accounts were a useless officer, and the work performed unnecessary and unprofitable, let them not throw contempt on their legislation by keeping the Act of 1866 on the statute book. But he held that an efficient auditor was of great use, and it rested with the House to see that the Executive Government secured for them the audit created by the Act. Carelessness in public accounts meant public extravagance, and public extravagance meant additional taxation, which made itself felt by capitalists in lessened means of employing labour, and by the labourer in less work on the one hand and higher-priced provisions on the other, as well as in less education and less moral strength to meet the duties and bear the burdens of life. The responsibility in the matter of course lay with the late Government, not one of whose Members, he regretted to say, was in his place, although they were, he thought, bound to offer some explanation as to how it happened that they had so utterly disregarded the requirements of the law, and were guilty of what, he ventured to say, amounted to a gross neglect of duty.

MR. AYRTON said, he was sure the House must feel much indebted to his hon. Friend (Mr. Candlish) for having applied himself to the consideration of a subject which was by no means an agreeable one, and very obscure. He, too, regretted that there was no one present on the front Benches opposite to offer any explanation on the subject; but, in answer to the observations of his hon. Friend, he might be permitted to explain that this Audit Act came into operation only on the 1st of April, 1867, that it required a large re-arrangement of many public accounts to give effect to its provisions, and that great difficulties were found to lie in the way in making the necessary changes. To surmount those difficulties was a work of time; and the result was that many accounts for the year ending in March, 1868, could not be completed in the form required by the Act of 1866, and that when the year expired those accounts could not be presented for audit according to the provisions of that Act. They had, however, been referred to a Select Committee which was now proceeding with its investigations into the very question to which his hon. Friend had invited attention, and which had power of calling before it officers for the purpose of receiving from them explanations on all the points to which he had referred. It was not open to him, in accordance with the rules of the House, to enter into details as to the proceedings of that Committee, and he could not, therefore, give his hon. Friend that information which he hoped would be before long at the disposal of hon. Members generally. He could say, however, that, though it was found impossible to render the accounts for the first year, the difficulty would be entirely removed in future years, and there would be no recurrence of the shortcomings shown in the accounts now before the House. When the hon. Member saw the Report and read the evidence, he would find that his own details had not escaped the attention of the Committee. He could assure his hon. Friend that this subject had also engaged the attention of the Government, and that every effort would be used to have the accounts audited strictly in accordance with the requirements of the Act.

MR. J. WHITE said, that having brought this subject under the notice of the House last year, he was not surprised at the complaint now made by his hon. Friend (Mr. Candlish) at the utter failure of the Board of Audit for the purposes for which it was intended. Considering that the Treasury controlled the Controller, he was sceptical that the Board as now constituted would ever render the service expected of it, and he looked upon the £42,000 a year which this Board cost as a wasteful appropriation of the public money, because if the Treasury did its duty such costly supervision would not be required. If the Board were properly constituted the officials should not be appointed by the Treasury, but by Parliament; and the Board should report, not to the Treasury, but directly to Parliament, which voted the money. The only way of securing an independent and efficient audit, to which the country would look with confidence, was by dissociating it from the Treasury and making it exclusively responsible to Parliament.

MR. M'LAREN said, he thought that the explanation of the Secretary to the Treasury (Mr. Ayrton) was unsatisfactory. No doubt his hon. Friend was not in Office at the time referred to; but in this case the House had to deal with Departments, and not with men. How could the best auditors in the world audit accounts if none were laid before them? Yet that had happened in several instances here. For example, even the Treasury, spending £52,000, the Home Office spending £27,000, and the Foreign Office £67,000, had sent in no accounts; and in another class of cases the accounts sent in were imperfect. On the whole, the House had great reason to be dissatisfied, for the half-yearly accounts of any railway company—of the London and North-Western, amounting to £1,500,000, for example—were audited and a dividend paid within three months, after the books were closed, while the Treasury accounts for the year ending, March 31, 1868, showing an expenditure of only £52,000, had not yet been audited. Any railway company would dismiss from its service men who, dealing with a trifling expenditure like that, could not make up their accounts ready for audit within a month; and if the head men in these Government offices were chosen, from their abilities, as those of any ordinary company were chosen, instead of from personal favouritism or aristocratic interest, there would be no difficulty. It was most discreditable to our finance that such things should continue, and he hoped that no time would be lost in putting matters on a better footing.

MR. GLADSTONE joined with his hon. Friend (Mr. Ayrton) in regretting that no one was present connected with the late Government to take part in the conversation on this most important subject. Probably, however, if they had been present they could hardly have been in possession of the kind of minute and technical knowledge which would be requisite in order to enable Members of this House to come to a perfectly just estimate of the merits. His hon. Friend the Member for Sunderland (Mr. Candlish) had rendered a public service in bringing this question forward, and he would not put himself in conflict with the arguments used by him or by the hon. Member who had just sat down; but there were special difficulties in the case of Government accounts, so that you could hardly draw any analogy between them and the accounts of railway companies. Where the Government Department was a pure spending department, and nothing else, it was probable that the analogy might to a great extent apply. But even then it must be taken into view that the operations of all the great Departments of the Government extended over the whole world, and also that there was not and could not be a discipline as efficient in the hands of the Executive Government for securing strictness and punctuality on the part of subordinates as private employers could secure. The geographical difficulty was especially to be remembered; for, if questions arose upon the accounts, instead of having like the London and North-Western Railway to send to a place within one day's post in order to obtain explanations, the Government Department might have to send to a place from which it could only obtain an answer within two or three, or even four months. [Mr. CANDLISH: But that would not apply to the Civil Service Estimates.] It would apply to the accounts in general, and even a large portion of the Civil Service Estimates referred to accounts which involved transactions at a great distance, and might require distant references. In the main, however, it must be remembered that our system of accounts was still in some respects in its infancy. Until the Audit Act of 1866 was passed its condition was altogether unsatisfactory. Without presuming, therefore, to the knowledge which would enable him to give specific answers to the statements made, he would say that some degree of patience and indulgence was requisite until such time had elapsed as would justify hon. Members in expecting that the system should be brought to something like perfection. With regard to the remark of the hon. Member for Brighton (Mr. J. White) whom he understood to say that we might save altogether the establishment of the Board of Audit, and transact the business through the Treasury, he had to reply that, in the first place, the Government had used great efforts to effect a saving in the Board of Audit. That Board consisted years ago, within his recollection, of a large number of Commissioners; and they had now by degrees got rid of the whole of those Commissioners. The Board now cost much less, though the general establishment might not cost less; and it must be remembered that some years ago only a small part, comparatively, of the bublic expenditure came under the view of the auditors. He could not hold out the hope to the hon. Member for Brighton that the Board of Audit would be dispensed with, and the business transacted through the Treasury. He maintained, indeed, that the Board of Audit ought to be perfectly independent of the Treasury, and to make its Reports to Parliament. As a matter of fact, it did so make its Reports, though the Reports were transmitted to the Treasury. The Auditor General was a Parliamentary officer, appointed for the security of the State, and nothing would be more satisfactory to him (Mr. Gladstone) than any arrangement tending to place the Auditor General and his Department more closely and distinctly under the control of Parliament. It was undoubtedly the business of that House to be responsible not only for the inception of all public expenditure, but also to follow the money raised by taxation until the last farthing was accounted for; and whatever could be done or suggested in furtherance of that principle would at all times commend itself to the acceptance of the Government.

MR. ALDERMAN LUSK said, it was difficult to know where or how the money voted by that House went, and he trusted that the Government would endeavour to simplify the matter as much as possible.

## SLAVE TRADE FROM THE SOUTH SEA ISLANDS.—QUESTION.

MR. P. A. TAYLOR: I rise for the purpose of calling attention to the manner in which the supply of labour to our great colony of Queensland is at present furnished through immigration from the South Sea Islands. My object is to prevent the idea of Queensland being associated with a revival of the slave trade. To show that the territory of Queensland is not an unimportant, but, on the contrary, one of the most extensive of the British colonies, I may mention that its area is nearly double that of Canada; that it is one-half larger than England, Wales, Scotland, Ireland, and France added together; and that gold, copper, and coal mines have been already discovered in several districts of Queensland. The climate is well fitted for the European constitution. In this magnificent country there has sprung up within the last seven or eight years a system of immigration from the neighbouring South Sea Islands, to supply the wants of labour in Queensland. The evils of that system were admitted on all sides, and upon the recommendation of the Colonial Office an Act was passed to regulate that immigration of barbarians. No Act could render that immigration a desirable or a moral one. Under that system of immigration the evils of the middle passage are repeated. I brought this question before the late Government and the present one, and the hon. Member for the Isle of Wight lately put a question to the Under Secretary to the Colonies. On this last occasion we were assured that the serious attention of the Government would be paid to the matter; but up to the present, as far as I can understand, no active steps have been taken to do away with this disgraceful traffic. I have nothing to say against the Act passed by the Colonial Legislature. I believe it contains some provisions against which nothing could be said. Probably it is as good an Act as could have been passed under the circumstances; but it wants that specific element by which alone a successful system of emigration can be realized—namely, the establishment of a Government depôt in these islands, so as to secure to the emigrants every information necessary as regards the country to which they are to be brought, and as to the nature of the agreement into which they enter. The Duke of Newcastle, writing, in 1861, to Governor Sir George Bowen, having stated that the emigrants to the West Indies and Mauritius were collected in India, under the direction of agents appointed and paid by the respective colonies, were received into depôts at the port of departure, were subjected before embarkation to a medical examination, were informed where they were going, and made to understand the nature of the agreement, and, above all, that it was required that every body of males should be accompanied by a certain proportion of females, fixed at that time at 25 per cent, went on to say—

> "Wherever the emigration shall be set on foot, it will be your first duty to appoint an emigration agent for the colony at each port from which emigrants are to be obtained."

Now, in the despatch of the Duke of Buckingham to Governor Sir George Bowen, dated 9th November, 1867, suggesting the principal points for an Act, no mention is made of such a condition. The only protection in this respect consists in the clause that the master of the vessel must produce a certificate signed by a "consul, missionary, or other known person," or the agreement shall be overlooked, and that by the Government agent, to see that they understand the terms which they give, the wages they are to be paid, and all this was now supposed to be given. The Bishop of Sydney at the meeting, February 8th, 1869, read a letter from Dr. Pattison, the missionary Bishop of Milensia, in which he stated his unqualified opinion that the natives of the island were incapable of understanding the nature of a legal contract. Now, Sir, this trade- as I have shown, wants that first element which would make it tolerable. I am far from saying that even if this element was present that the trade would have been a tolerable one. Notwithstanding the admirable regulations under which it was managed, there were many who doubted whether it was not a great evil. I will read a memorial signed by John Small, Chief Justice of Hong Kong, and the Hon. James Whittall to Sir Richard Graves MacDonnell, Governor of Hong Kong. In regard to Coolie emigration, he says—

> "We will give the Chinese Government credit for thoroughly good intentions, and we are anxious to admit that the letter of their legislation in connection with Coolie emigration is very near perfection. But we do not require to tell your Excellency that these very regulations, said to be designed to protect the Coolie against fraud and restraint, are with detestable ingenuity converted into meshes whereby to entrap him more securely. These regulations are of no utility whatever; they serve but to cast dust in the eyes of the world; they afford no protection to the Coolie. For the reputation of the Colony, therefore, for the sake of example, and for the honour, in so far as it is given by your Excellency and to ourselves to uphold the same, of the British Flag, we call upon you to solemnly condemn, by colonial legislation, this trade in human bodies, which, bearing the impress of misery wherever it is carried on, culminates at our very gates into the hideous form of slavery."

With respect to these Coolies, there is a Government depôt at the place from which and to which they are sent, and this is how the Chief Justice of Hong Kong states that that trade has degenerated even under these circumstances. There is another charge I wish to make against this Bill. By the 6th clause the Government of Queensland seeks to legalize the traffic in coloured labourers by private persons, in a manner disallowed by the Home Government in the tropical dependencies of the Empire. That is enacted which is contrary to what is elsewhere allowed under British dominion; the only parallel instance is that in which the Mauritius planter is allowed to send his agent to recruit Coolies in India, but this is done under the complete control of the Government authorities both in India and the Mauritius. Now this is not a new question to us. We have felt it our duty, as a country, to interfere in more than one case where our country was obtaining labour for this purpose. When the French resorted to the system of conveying free black labourers from Africa to the French colonies, a Government officer was appointed to superintend the whole transaction, and see that the people were fairly treated. This was the counterpart of the Queensland system. Notwithstanding all the precautions of the French Government, the traffic speedily developed into slavery, and the Emperor abolished it. There was another system to which the Queensland system might be compared. Natives of the South Sea Islands were transported to the cotton fields of Peru. The English and French Governments raised their hands against the traffic as being a slave trade. Now, Sir, to what has this traffic led? It has led to results which might have been anticipated. [The hon. Member then read a long series of extracts from Eastern journals and correspondence illustrative of the treachery used in kidnapping the natives of various islands, and the cruelties practised upon the victims as well on board ship as in the colony.] The *Sydney Herald* of October 9, 1868, stated that the condition of the natives of the South Sea Islands now in Queensland was most disheartening, and that it was one simply of slavery; that the evidence was too strong to leave doubt that many of them had been inveigled by the most false representations, and others actually stolen from their native land; that many had been induced to sign agreements as they supposed for one year, which when produced showed three, and that, their clothes having been worn out, many of them were to be seen working in the plantations in a state of nudity.

> "If complaints arise, it is supposed that they are taken to a magistrate. In reality, on some even of the best estates, coercion is exercised by the overseer. Flogging, irons, threats of shooting—such is the fare."
>
> "Our correspondent," says the *Colonial Intelligencer*, "humanely interested himself in a girl named Mary, who, it was alleged, was carried off from the island of Tanna by an armed crew, as a ransom for her father. The latter was a chief, and having been made a prisoner by the crew, they refused to release him except in exchange for another native. 'His daughter was then dragged through the water by men of her father's tribe, and thrown naked into the boat. On board she was given as a wife to one of the boat's crew, who is, I think, a bad fellow. This man is from a Christian island, but has been a sailor, and has another wife, to whom he has been married by the missionary in his own island, where bigamy is a legal crime.'"

The captain was afterwards charged with a criminal assault, of which he was acquitted, but her evidence was rejected as being a heathen. *The Scotsman* of December, 1868, said—

> "The last Australian mail brings news that there seems no good reason for doubting. At

> Mallicolo twenty-one natives were induced to lay down their war clubs, and go below to have a look at the hold. They were not allowed to come up again. Their canoes were sent adrift, and the *Siren* stood out to see; the wives of the kidnapped men swimming after her whilst their strength lasted, and when they could no longer chase her, still sending wild wails along her felonious wake. At Matlow a large haul was made, but all except two managed to slip ashore in the night. So the *Siren* cruized about until she had bagged more than 100 islanders. Six, whom she took out of a canoe, she was compelled to restore, because had she not done so their chief would have rescued them by force."

In last February a meeting was held at Sydney to protest against this traffic. The Mayor of Sydney presided, and the Bishop moved the first resolution. The right rev. speaker strongly denounced the traffic, and quoted the testimony of Bishop Pattison, who is now cruising among the islands, as to the misery it had occasioned. The Sydney correspondent of *The Times* says, writing on the 27th February—

> "I believe I stated in my last something respecting the act of the supercargo of a vessel bound to Samoa, where that person had just established a plantation. By arrangement with the captain, sixty men and twenty or thirty young women were inveigled on board and forcibly detained at Samoa. A case has just come to the knowledge of the authorities here, and compelled them to put the law in force against the offenders. The captain of the *Young Australia*, and one of the crew, stand committed to take their trial for the murder of three natives of one of the New Hebrides group of islands. The supercargo, who is also implicated in the affair, has been caught at Melbourne, and is coming up. Briefly the particulars are as follows:—The vessel mentioned, chartered by a Sydney firm, sailed in September last, or thereabouts, with a cargo for Fijii. The cargo being discharged—so at present I understand the case—a raid was proposed among the New Hebrides Islands for 'Niggers,' as the Polynesians are called, to work on the newly established plantations at Fijii. The vessel was five weeks gone, and when it returned landed 235 natives, including six women, something like £1,200 having been cleared by the transaction. The vessel returned to Sydney. While here intelligence was received from Fijii, which was made known to the Government. It appears that during that voyage, off the island of Palma, three natives were forced on board, who, breaking open the hold in which they were confined, fought for their liberty, and were shot down and turned overboard, by command of the supercargo, and under the silent sanction of the captain. The vessel was just on the point of starting again for Sydney, on another expedition, when the captain was arrested."

Naturally such a wretched system provoked retaliation, and it was stated in a New York paper that eleven Europeans settled in the island of Tanna had been massacred by the natives. [The hon. Member then read a report, from the Rev. J. P. Sunderland, who visited Queensland, and gave an account of what he saw. He visited sugar plantations, where some 3,000 or 4,000 Polynesian labourers were employed, who had been taken from their homes by fraud. Ships went to the New Hebrides to "catch blackbirds," and they caught them by utter deceit for three years' engagements. He went to some of the best sugar plantations in Queensland, and if ever there was anything like slavery that was. He asked the planters what they did when the labourers fell ill? The reply was—"They often gammon to be ill, but we take a whip and tickle them up a bit, and then they soon get well." One planter wrote to another and said—"What can you supply me 100 niggers for?" And no doubt, as long as it was found that £6 or £7 a head could be got for the natives, men would do anything to get them. He next read a letter addressed by the Rev. James McNair—a well-known missionary of the Scottish Reformed Presbyterian Church, of high character—and it was addressed to Commander Lambert, of the Australian Squadron, which detailed terrible acts of treachery, by which numerous natives had been entrapped. A small schooner, under pretext that a man known to be kind to the natives was on board, succeeded in decoying fifteen men at Mari and nine at Erromanga; no sooner had they come on board than they were clapped below hatches. A missionary succeeded in obtaining a promise from the captain that the men should be given up; but the next thing he saw was the vessel with all sails set and at full speed. The missionary concluded by warning Commander Lambert that he should look to him to find out these captives in Queensland, and see that they were returned to their native land, from which they had been so vilely snatched. But nothing more had been heard of them.] The hon. Member then proceeded—At the time when I first put a Question to the late Under Secretary I was called upon by a gentleman from the colony, one of the first who began the system of immigration, and he informed me that in his opinion the proposed Act was so stringent that it would put a stop to this traffic. Now, I believe that, if the Government insisted upon the establishment of a depôt under Government superintendence, at every place from which the islanders were shipped, and a proper proportion of women likewise sent, that the expenses attendant upon these essential preliminaries would be sufficient to put a stop entirely to this unholy traffic. At the very time when the late Government was sanctioning this traffic there was issued from the Board of Admiralty of that Government the most masterly denunciation of the whole affair; and I trust our Colonial Office will follow the Board of Admiralty of the late Government. I will read a few extracts from the correspondence between Mr. Romaine and the Colonial Office. That gentleman, writing from the Admiralty, says—

> "My Lords desire me to refer you to the correspondence which took place between the Colonial Office and this Department in 1863, relative to the kidnapping of Polynesians, to be employed on cotton plantations and other agricultural operations in Peru"—

And went on to say that "the trade of procuring labourers rapidly degenerated into slave hunting and slave trading," and that it was the belief of their Lordships that these South Sea Islanders were "incapable of understanding the nature of a written contract with an employer," and that none of them would—

> "Knowingly and willingly engage themselves to work far from their own country at all, or at any place even near their own home, for more than a few months. My Lords are also thoroughly impressed with the belief that whatever regulations may be made for the well-being and liberty of these people, on their being brought nominally within reach of the laws and tribunals of Queensland, yet that no proper and efficient control can ever be exercised over the manner in which these people are obtained and placed on board ship. The task of their collection and shipment is from the nature of the work likely to fall into the hands of an unscrupulous and mercenary set, who, under pretence of persuading the natives into making engagements as labourers for a term of years, would not hesitate to commit acts of kidnapping, piracy, and murder. Entertaining these views, my Lords are unable to concur in any recommendation with regard to framing an Act of the Colonial Legislature for the regulation of the introduction of these people into the colony."

Mr. Romaine wrote again to the Under Secretary of State, referring to the letter from which I have just quoted—

> "With reference to the letter from this Department, dated the 7th Dec. last on the subject of the kidnapping of natives from the South Sea Islands by vessels under the Chilian and Peruvian Flags, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that, looking to the representations formerly made by this country and France as to the importation of South Sea Islanders into Chili and Peru, and to the representations made by this country as to the importation of negroes from the West Coast of Africa to the West Indies, and looking also to the probability that representation will be made by France on the deportation of South Sea Islanders to serve as labourers in Queensland, their Lordships would suggest that, before the Colonial Office decide upon the question of Colonial legislation for the regulation of the traffic, the opinion of the Secretary of State for Foreign Affairs should be taken on the subject."

I wish the opinion of the Secretary of State for Foreign Affairs had not only been taken, but had been followed. The next thing that comes in these Papers is a remonstrance from the French Government, which is put off with a letter from the Colonial Office to the effect that Her Majesty's Government had had occasion to consider the mode of repressing such outrages as occurred—that they would be glad to be furnished with the details of any cases that had come to the knowledge of the French Government; concluding with the words—

> "At the same time, his Grace desires to point out that proceedings of this kind must be distinguished from an emigration of labourers which appears to be going on to some extent from some of the islands in the South Seas to Queensland, and in regard to which regulations for the benefit of immigrants have been suggested to the Governor of Queensland, in which colony some of these immigrants have arrived."

I will trouble the House with but one extract more — from a letter of Mr. Murdoch, of the Emigration Board. He says—

> "Whether it is right as a general principle to permit the introduction of an inferior and uncivilized race into a British colony, so strongly deprecated in the Queensland Memorial, is a question which I do not presume to discuss. As far as the emigrant is concerned it would be useless to deny that it may be attended with some disadvantages; but that, on the whole, a race of so low a type as natives of the New Hebrides must derive great benefit from being brought in contact with a purer morality, and a higher civilization cannot be questioned."

I am extremely loth to place myself in conflict with so great and distinguished an authority as this gentleman is. But I should think that the experience of history, as well as the theory is against him. If there was one thing better founded than another with regard to colonization of this kind, it is that nothing but demoralization can ensue under such circumstances. There is one other point in regard to the morality in the islands from which those savages are taken. A writer in the *Colonial Intelli-*

*gencer* says — speaking of contracts for three years—

> "This may be very well if all we have to consider is the development of Queensland. But are we to overlook the effect on the islands where civilization is making such satisfactory progress? As a rule they do not contain a surplus of population. If fifty or sixty natives are abstracted from these little communities they are the best —the workers; and what are left? Women, children, old men, and good-for-nothings. During the absence of these braves, their wives, where there are any, despairing of their return, become the wives of other men, and so the family tie is completely broken up. At home, Europe has taken thought for their religious and secular instruction. But this must all be relinquished in Queensland."

I would venture to impress one other consideration upon the House, and that is this—We consider ourselves a moral and practical people, and especially a colonizing people. Now, I say we do to our practical tendencies no justice to encourage such a system as this, and we have the means to make the dependency rich as well as morally healthy. We have a surplus population and pauperism rising and bubbling up to our very lips, and we have philanthropists declaring that our utmost power is unable to grapple with it. Can we not bring these two things together? Can we not send our surplus population to Queensland? Can we not do better than demoralize both? I call upon the country to put a stop to this most infamous traffic, which is dangerous to our international relations with foreign countries, which is sure in the long run to destroy the prosperity of the colony, which is ruining the prospects, and turning into slaves the wretched men who are sent there, and which is frustrating all the efforts made by our missionaries for the civilization of these islands. The hon. Gentleman in conclusion asked the Under Secretary of State for the Colonies, Whether his attention had been called to the great dissatisfaction prevailing in Queensland in regard to the system of importation of South Sea Islanders into that colony; whether he was aware that this importation was described as practically no better than a legalized Slave Trade, that the natives were in many cases inveigled on board under false pretences; and, whether he would lay on the Table any Correspondence on the subject?

MR. MONSELL said, his hon. Friend (Mr. Taylor) had rendered a great public service by bringing forward this subject, for it was undoubtedly a matter of the utmost importance that a country which had done so much to put an end to slavery in this hemisphere should carefully provide against any approach to it in the Polynesian Islands. His hon. Friend had very properly drawn a distinction between the conveyance of emigrants to Queensland and the traffic which was carried on between different Polynesian Islands and Samoa and Fiji. Indeed, with regard to the latter, he would admit the correctness of his hon. Friend's statements. In the case of the *Young Australia*, for example, the most horrible atrocities had been perpetrated; and other instances might be adduced in which, to say the least, there had been a tendency towards the revival of the slave trade in the islands of Samoa and Fiji. He would venture, however, to controvert his hon. Friend's assertions with regard to the emigration from Polynesia to Queensland. According to the law passed by the Legislature of that colony no one was allowed to go about the Polynesian Islands for the purpose of procuring emigrants without a license from the Government of Queensland. In the next place, masters of vessels were required to give security for the return within three years of such emigrants as desired to be sent back; and they were further compelled to give a bond against kidnapping, and to bring a certificate from the consul, missionary, or other known person, that the emigrants had engaged themselves voluntarily and understood the nature of their engagement. The emigration agent was required to ascertain that such a certificate had been procured before he allowed the emigrants to land. At the same time he (Mr. Monsell) admitted that in two particulars these regulations were insufficient, and to those two particulars his hon. Friend had referred. There were no regulations as to the introduction into Queensland of a proper proportion of the two sexes, and as to the attendance of an emigration agent on board the vessels before they were allowed to sail. Within the last four or five days, however, a despatch had been received from Queensland, stating that certain suggestions of the emigration agent there were about to be embodied in a Bill, and submitted to the Legislature; and, amongst these, were the two which he had just mentioned. If they secured these alterations in the emigration law they would prevent the possibility of any deception being carried on, and there would then be nothing to complain of. The hon. Gentleman (Mr. Taylor) had mainly taken his facts from statements made at a public meeting in Sydney, where four cases were relied on. One of these occurred before the passing of the Queensland Act. Two other cases referred not to Queensland, but to emigration to the Fijii Islands. In the fourth case, that of the *Sprightly*, the master was tried and acquitted. The fact that the case was sent to trial showed that the local government had its eye on this traffic. With regard to the case of the *Latona*, the captain of which was alleged to have carried off nine islanders, and to have committed great atrocities, a minute investigation had been set on foot, and the depositions of the captain and emigrants taken. The despatches just received stated that there was the sworn statement of the master, as well as of six of the natives themselves, who had returned from Queensland to their native island, and were returning again to Queensland, that the emigration was voluntary. It appeared that the captain had distinctly asked the clergyman, who preferred the charge, to come on board in order that he might satisfy himself that the emigrants were there of their own free will, and that the rev. gentleman had declined to do anything of the sort. The case of the *Latona* consequently broke down. As to the treatment of the inhabitants of the Polynesian Islands after their arrival in Queensland, he would simply refer to the words of the Governor, who, in the despatch, said they were even better protected than Coolies in the West Indies, and that he had seen them employed on several plantations, working amicably with Europeans and treated on an equality with them. The Attorney General of the colony likewise stated that no instances of cruelty or anything like slavery enforced on these labourers had ever been brought under his notice. Again, the accounts received at the Colonial Office respecting the condition of the Coolies in the West Indies were totally at variance with the statements of his hon. Friend, as they showed that the Coolies who returned took with them on the average £24 or £25 each, exclusive of jewellery and money which they carried about them. He could assure his hon. Friend that the whole question was occupying the most serious attention of the Colonial Department, and that the strongest despatches had been forwarded to the Governors of colonies, warning them of their responsibility on the subject. Every step which the Government could take in that direction they had taken; but he believed, that, at the present moment, the emigration to Queensland was not unsatisfactory, and the House would, he thought, be of opinion that it would not be proper to adopt the course which his hon. Friend proposed, and entirely to prohibit the importation.

Mr. KINNAIRD said, that the information which had been given him by the Secretary of the Missions of the United Presbyterian Church in Scotland respecting Queensland, corroborated what had fallen from his hon. Friend (Mr. Taylor), and therefore he could not accept the answer of the Under Secretary for the Colonies as satisfactory. Having had the honour of a seat in that House for many years, he was familiar with that kind of reply—it was the stereotyped answer to inquiries made of the Government in that House; but he was not in the least convinced by it that the traffic was not as bad as his hon. Friend had described it to be. He had read the evidence of one gentleman, who stated that there were 3,000 Polynesian labourers employed on sugar plantations who had been taken from their homes by fraud; and their condition differed widely from that described by his right hon. Friend the Under Secretary for the Colonies. Those who knew the shameful traffic by which the labourers were brought to the colony, and the *quasi* slavery in which they were detained there, would not be satisfied with the answer just given. Neither had his right hon. Friend made any reply to the statement made as to the demoralizing effect which was produced on the islands themselves, which were not overpeopled, and yet had the most active of their population carried off by such vessels as the *Young Australia.*

Mr. MONSELL said, he had admitted that the *Young Australia* had committed some irregularities.

Mr. KINNAIRD said, there could be no doubt of the fact that the poor people, when fishing, were torn off from the coral reefs, and taken to Australia.

If the case was one of voluntary emigration, then his right hon. Friend might be right in describing the system as satisfactory; but if it were one of kidnapping, the most stringent measures ought to be used to put a stop to the traffic, and he trusted his right hon. Friend would not lose sight of the subject.

MR. R. FOWLER said, he thought the House was much indebted to the hon. Member for Leicester and to his hon. Friend the Member for Perth for having sought for this question the earnest attention of the Colonial Office and of the House. It was stated at meetings held at Sydney and at Brisbane that dreadful atrocities were committed in the trade. He had a letter from Brisbane, dated the 18th of March, 1869, which he was ready to show to the Government if they desired information on the subject. The writer, Mr. Alfred Davidson, of Brisbane, a Member of the Queensland Legislature, referring to a trial which had been held in Sydney for the murder of three Polynesians, said—

> "The legal difficulties in these inquiries are great. The Government officers, including the magistrates, are partially under the control of influential men, some of whom are employers of coloured labour, and can be seriously affected in their appointment. The ships carry very few white men, but employ Polynesian sailors. The magistrates have practically rejected native evidence. A proof by native evidence only would therefore not be a legal proof, and any one could be, I take it, prosecuted for libel for exposing a crime. The conduct and expense and responsibility will have to be borne by private persons; the police and Crown lawyers cannot be obtained with facility. A strong feeling of hostility exists against those who advocate the claims of the Polynesians. My own opinion still is that very many come here not of their own free will; if any come truly willingly, I say that is all right. I have formed the opinion that, very often, if not always, it will be found that natives with many of the qualities of the savage are associated with the recruiting agent as coxswains in command of his boats, and, if speaking a little English, acting as interpreters, ready to tell any untruth that he requires."

He might also refer to a despatch of the late Board of Admiralty strongly condemning the traffic. He (Mr. R. Fowler) thought there were two points which specially deserved the attention of the right hon. Gentleman the Under Secretary of State for the Colonies. The first was, as to the evidence that ought to be received; for, if the evidence of natives was to be excluded, it would be difficult to bring complaint home to the guilty parties. The other point was the bringing of natives from islands of different degrees of civilization. Some of the emigrants were brought from islands where Christian missions had exercised a beneficial influence; but others were from islands that were still in a savage or barbarous state, and he believed the natives from these savage islands exercised a demoralizing influence on the colony into which they were introduced. He was quite aware that some persons contended that natives must be imported into the colony, because Europeans could not work, owing to the nature of the climate; but there was, he believed, abundant evidence to show that as soon as a European became acclimatized he was perfectly competent for any work required in the colony. Now, if that were so, then these islanders must stand in the way of European emigration. He hoped the hon. Member for Leicester (Mr. Taylor) would keep his eye on this question, and that, if necessary, he would bring it again before the House. The reports might be exaggerated, but it appeared to him that, if he had been correctly informed, he should be justified in applying to this traffic the words of one of the most illustrious men who ever adorned the House (Mr. Canning), in regard to the African slave trade—"Its infant lips were stained with blood; that its whole existence has been a series of rapacity, cruelty, and murder."

VICE ADMIRAL ERSKINE said, he was glad that the attention of the Government had been directed to this traffic. As early as 1842 natives had been employed by Europeans to cut down sandal wood, and more lately to grow cotton. It was not, perhaps, generally known that there was in the Fijii Islands a colony of about 1,000 persons, mostly Englishmen, but some Americans, who had brought into the colony in the *Young Australia* above 250 natives from Tanna, not only to work for them, but also to fight for them. A month or two ago he had received a letter from a gentleman of the highest character, who had resided twenty years in those islands, and who stated that two Europeans named Burke and Underwood, had employed the Tanna men to make war upon the mountain races, but they were beaten back and severely wounded. A number of the natives of the island attacked the plantations, and killed and ate six or eight of these men from Tanna, and committed great devastations. Few people probably would have much sympathy for these Europeans, but it was quite clear that these 1,000 white men were not going to be driven from the islands without resistance; and it appeared that Burke had gone over to Sydney to raise 500 men there for the same purpose, tempting them with offers of 500 acres of mountain land a-piece. They would be armed and equipped as regular soldiers, and a war would at once exist between one of our colonies and an island over which we had no control whatever. If this went on it appeared to him that there was rising up in the Pacific another difficulty of the New Zealand type. It was true that the Governor of Sydney had issued a proclamation prohibiting this enlistment; but there was no law to prevent the colonists from quitting the colony and going to these islands. He hoped that this subject would receive the attention of the Government. With respect to the importation of islanders into Queensland, he thought the traffic did admit of such regulations as to make it useful both to the islanders and to the colonists, though the very strongest regulations were necessary.

Mr. ADDERLEY said, the hon. Member for Perth (Mr. Kinnaird) complained that they had got the usual official answer, implying that it was a fallacious answer. The fallacy was entirely with the hon. Member himself, for he had confused the kidnapping in the Fijii Islands, with the regular immigration of South Sea Islanders into Queensland, for the purpose of cotton cultivation. The outrages reported to have been committed were in the former quarter, and he knew of no means in our power of checking the system, for it was not carried on under our flag, nor had we any control. As to the immigration into Queensland, all he had heard led him to believe that it was properly conducted. It was perfectly well regulated, for the Queensland Legislature had passed regulations and made provisions stricter even than those made by the Indian Government for the protection of the Coolies sent to the West Indies. It was unfair therefore to the colonists to make such unfounded statements; and nothing could be more injurious both to the colonists and the South Sea Islanders themselves than to raise a general cry against the service as if it were a revival of the slave trade, and enlist the influence of this country to stop legitimate immigration. This immigration was essential to the new industry of the colony, and the natives made use of for labour might become civilized and prosperous by their contact with a civilized race. Half the distress in the West Indies arose from the check given to legitimate immigration by a blind outcry against the revival of the slave trade. It was clear that if the hon. Member for Leicester (Mr. Taylor) had his will he would stop the immigration, for he asked that such restrictions should be placed upon it as would make it impossible. But he (Mr. Adderley) would ask the House to remember that the Queensland Legislature was as free as ours, and that we had no power or right whatever to interfere with their concerns. If, indeed, it could be proved that, under cover of this traffic, the slave trade were revived, that would be so contrary to the Imperial policy that it would give the House a right to interfere, but of this there was no shadow of proof.

Mr. DENMAN said, that when the right hon. Gentleman (Mr. Adderley) described this system of immigration as perfect, and denied that there was any evidence of wrong doing, he must surely have forgotten the letter quoted by the hon. Member for Falmouth (Mr. R. Fowler), which, if the statements in it were true, showed a state of things disgraceful to Queensland and to this country, so far as it was connected with Queensland. The subject was well worth the attention of that House.

Mr. KINNAIRD explained that he had spoken on the authority of the Rev. J. P. Sutherland, who was an eye-witness of all that he described.

## IRELAND—SALMON PASSES ON THE SHANNON.—QUESTION.

Colonel FRENCH said, he rose to ask the Secretary to the Treasury, Why the Board of Works have not made the fish passes in the weirs built by them across the River Shannon, which by the Act 5 and 6 Vic. c. 106, they are bound under a penalty of £25 a day to have done; and, what steps are in progress to carry out the recommendations of the Select Committee of 1866, to inquire into the manner in which the drainage and navigation of the River Shannon have been carried out under the direction of Her Majesty's Government, and to report what steps should be taken to complete the works, for which £300,0000 has been levied on the adjoining counties? The Fishery Commissioners had sent Mr. Brady down to inquire into the matter of the fish passes, and he reported that the passes were not made, or were made in places where the salmon could not avail themselves of them, and that in consequence the salmon were shut out from many places which used to be their breeding grounds. He wished to know what had been done with the £600 which had been advanced to the Board for the purpose of making the passes fit for use? With regard to the other question he had raised, the House in Committee had declared that the Government were bound to execute the works according to the estimate given; but, according to the report of their own engineer, the works were so badly executed that an additional sum of £300,000 would be necessary to carry them out as proposed originally, though a smaller sum might suffice to secure sufficient depth for the navigation of the river. He thought he was justified in asking the Government whether they meant to carry out, in a modified way, the views of the Committee of 1866, and whether they meant to propose to grant any additional sum this year?

MR. AYRTON said, in answer to the first part of the Question, that the subject had been much considered two or three years ago, and the then Board of Works in Ireland advised the Government that it was essential to erect two fish passes, and no more, on the Shannon, and money was voted for that purpose. He was not aware that anything had since happened to alter the judgment then arrived at, especially as since that period a contention had been going on as to whether the whole system of dams across the Shannon should not be altered, in order to improve the drainage. With regard to the second part of the Question, he could not discover any evidence of what the right hon. Gentleman appeared to assume, that the Government undertook an important obligation towards the landowners of the Shannon Valley, further than that which was clearly defined by Act of Parliament. What Parliament decided was that works should be undertaken for the improvement of the navigation of the Shannon, and the adjacent counties were to contribute to the expense in proportion to the benefit they received from that improvement, and for nothing else. At that time there were no railways in Ireland, and it was thought that very great benefits would be conferred upon the counties by opening up the navigation. Her Majesty's Government were not the first to go and offer to do these works; they were asked to make a contribution out of the public revenue in aid of the works; and, so far from the landowners having any claim upon Her Majesty's Government, it was rather the Government that ought to have demanded that the money they had advanced should be re-funded in the Treasury. There had been a provision to the effect that if improvements were effected in the lands of the riparian proprietors they should be called upon to contribute individually to the expense of those improvements. But this they had repudiated, and not a single proprietor had been called upon to pay in respect to the improvement of his land; and therefore no obligation had been undertaken by the Government towards any landed proprietors. The right hon. Gentleman was well aware that an Act had been passed to enable districts in Ireland to form themselves into Drainage Boards, and facilities were given in the shape of loans to enable them to carry out their operations. One might naturally ask why had not the proprietors on the banks of the Shannon constituted themselves into Boards for the sake of carrying on those works? But, instead of that, there was a constant repetition of complaints which he ventured to assert were based on an entirely erroneous view of the statute. Her Majesty's Government would be most anxious to meet the communities of the valley of the Shannon if they were prepared to propose any scheme for the drainage of that valley similar to those which had been proposed for the drainage of other valleys. At the instance of the Committee of the House of Lords which investigated this subject, a competent engineer was appointed by Her Majesty's Government to examine carefully into the whole circumstances of the case, and the conclusion at which they had arrived was this, that the gross estimated cost would be £290,000 or £300,000, and that the interest upon this sum would very considerably exceed the estimated annual value of the improvement to be effected, which was estimated to amount only to £6,113 a year. That was the only scheme brought before Her Majesty's Government, and what were they to do? Were they to expend £300,000 in order to produce an estimated return of £6,000 a year? That was an estimate of the improvement of the estates of the riparian owners. But if Her Majesty's Government had embarked in such a scheme, they would probably be afterwards met by the objection that as much injury had been done by taking away the water from the estates as benefit by relieving them from excessive floods, as had been said before. He hoped the House would not look with any favour upon the idea that it was the duty of Her Majesty's Government to take the initiative and to devise schemes for the improvement of the estates of the riparian owners.

Mr. W. H. GREGORY said, the hon. Gentleman the Secretary to the Treasury (Mr. Ayrton) did not appear to be any better acquainted with the circumstances of the Shannon drainage than he was with the river itself. His hon. Friend spoke of the drainage of that great river as it were a little bit of arterial drainage, and asked why did not the country gentlemen form themselves into Boards and drain the Shannon? But how would persons on the lower part of the Shannon like that gentlemen on the upper portion should form themselves into Boards and send down floods into the lower parts? It was utterly impossible that the riparian owners could do what his hon. Friend suggested. It was the most arrant nonsense he had ever heard in the House of Commons. But suppose they did form themselves into Boards to drain it by sections, the Government would instantly step in and say they would not allow them to drain it because a certain depth of water must be kept up for summer navigation. The course that would be best for the interest of the country would be to reduce the depth of water to what was originally intended by the Act of Parliament. The whole tonnage which would be affected would be insignificant, and now that railroads ran alongside the river the navigation had not the importance it formerly had. At this moment the depth of water kept up was over six feet; but nothing could be more preposterous. Anybody who knew the great rivers of India or America must know perfectly well that it was the greatest mistake to keep up such a depth in the Shannon. A story was told of two American captains on the Mississippi, one of whom boasted that he could float his vessel in six inches of water, but his rival retorted that he could float his wherever there was a heavy dew. It was not true to assert that any liability had been repudiated. Every shilling which it had been agreed to pay in Ireland for the Shannon drainage had been contributed, but the advantages expected from that contribution had not been obtained.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) £36,418, to complete the sum for Royal Palaces.

Mr. Alderman LUSK said, there was an increase of £1,650 over the Vote of last year, and that Vote showed an increase over the previous one of £14,293 which, however, he admitted arose from exceptional causes. He must complain generally of the great increase which had taken place in this Vote during the last five years. The very large sum of £6,735 appeared to have been expended upon Hampton Court; yet that establishment was mainly remarkable in the present day for legal proceedings, which had been going on for three years, with the object of screening debtors resident within its precincts. The Crown had, perhaps, the strongest interest in maintaining the dignity of justice, and for a Royal palace to be turned into a sanctuary for those who would not submit to the law of the land like other subjects of Her Majesty, was, in point of fact, a public scandal. Who was it, he should like to know, who had been expending money for the last three years in employing Solicitor Generals and gentlemen of their class in the legal courts in the way that had been done? The Head of this Nation had not lived in Hampton Court for a couple of hundred years. He would make a suggestion, if we did go to the expense of keeping up those old palaces, one of them, at least, might be in a condition to receive foreign princes, so that when they came to visit this country they would not have to go to an hotel to live.

MR. MELLOR said, that including the keeping up of the grounds and pleasure gardens, Hampton Court cost no less than £16,000. He thought that was an excessive amount to be expended on the maintenance of a single palace, and wished for information.

MR. LAYARD said, that an item of over£6,500 was attributable to the precautions to be taken to protect Buckingham Palace against fire, a proceeding which was most desirable on account of the very large amount of valuable property which it contained. Captain Shaw had most kindly looked into the matter with him, and they had found it absolutely necessary that steps should be taken with this object in view. An item of apparent increase was explained by the fact that £4,500 not expended last year was re-voted for drainage of Windsor Castle; there had consequently been a considerable decrease, instead of an increase, in this Vote. As to St. James's and Hampton Court Palaces, he must remind the hon. Member for Finsbury (Mr. Alderman Lusk) that when the Crown surrendered its revenues, out of which those Palaces had been maintained, the country undertook to keep them up, as well as the gardens and grounds attached to them. He could not agree that the sum expended upon the maintenance of Hampton Court was extravagant; on the contrary, the Palace and grounds afforded a source of recreation and enjoyment to thousands of persons, as any person could not fail to see who visited the place on Sunday or any public holiday. As to what had been said about legal proceedings in connection with the sanctuary supposed to be afforded by Hampton Court Palace, he must remind his hon. Friend that the question was one depending upon the state of the law, which the First Commissioner of Works had no power to alter. If the law was such as had been stated, the privilege would continue to exist until Parliament thought proper to alter it.

MR. GOLDNEY said, that he had raised the question last year as to the excessive amount proposed to be voted for diverting the drainage at Windsor Castle from the Thames, and the Government promised that the matter should be inquired into. The money was not expended; and he hoped it would not be this year without some further inquiry. The cost of the work ought to fall mainly upon the owners, of whom the Crown was one.

MR. ALDERMAN J. LAWRENCE said, he did not object to the expenditure on Hampton Court Palace and Gardens, considering what healthy pleasure the public derived from visiting them. But he thought the Chief Commissioner's answer respecting the right of sanctuary was inadequate. If the law protected persons living in the Palace from pursuing creditors, the people would look to the Government to take steps to alter the law.

LORD JOHN MANNERS said, he thought it was not proper to press the Government to act in this matter at present, because, as he understood, the ultimate Court of Appeal had not yet decided how the law stood.

MR. ALDERMAN LUSK said, he thought if the law was as it had been stated to be, that it was a great scandal, and immediate steps should be taken to alter it.

MR. DILLWYN said, he concurred in the view of the noble Lord (Lord John Manners) that it was premature to raise the question of the Royal Palaces being a sanctuary for debtors until they knew what the state of the law really was. If it were ruled that they were a sanctuary, then he thought the House ought to refuse the Votes for them until the law was altered.

Vote *agreed to.*

(2.) Motion made, and Question proposed,

> "That a sum, not exceeding £84,877, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Royal Parks and Pleasure Gardens."

MR. BOWRING appealed to the Chief Commissioner of Works to distribute more equally the expenditure on embellishments of public Parks. On behalf of many of the residents in the neighbourhood of Kensington Gardens, he had to complain of the neglect shown to the north end of those Gardens, and of the removal of Queen Anne's arbour from its original site, where it afforded an agreeable shelter from the heat of sun in summer and from rain. He would also call attention to the dreary and desolate appearance of the Gardens in the immediate neighbourhood of the site of Dr. Jenner's monument.

Mr. BENTINCK said, he rose to call attention to the great public convenience which would result by the construction of a carriage roadway from the Mall, across St. James's Park Bridge, to Queen's Square, Westminster. There was now an absolute necessity for some measure of this kind, in order to afford the required convenience to the public, and to relieve the traffic of the neighbourhood. He believed that the plan he suggested was first advocated by Sir Benjamin Hall, when Chief Commissioner of Public Works. Just before the time of the Great Exhibition, the privilege was conceded to the public of the drive through Marlborough House Gate to that by the side of Buckingham Palace. That accommodation, however, was found to be quite insufficient. In consequence of the construction of a new railway station, in Old Tothill Street, there was a proposition before the Government to open Queen's Square to Birdcage Walk, nearly fronting Marlborough House. The whole roadway across the Park, exclusive of the bridge over the ornamental water, would not exceed 800 feet, and the saving from the south end of St. James's Street to Palace Yard would be no less than 500 yards, to say nothing of the relief to the traffic on the present route. The foot-bridge across the water was not of the most ornamental character. He apprehended that the cost of the proposed roadway might be from £20,000 to £25,000; and, having regard to the extent to which it would promote public convenience, it was very likely that the Board of Works might be induced to bear a large share of the cost. Any objection to the scheme on the ground of interference with the rights of the Crown was easily disposed of by the fact that public carriages had been permitted to use the road between Marlborough House and Buckingham Gate, and by the further fact that since the Great Exhibition public carriages had been allowed to pass through the west side of Hyde Park. It could not be pretended that the construction of the road would be any interference with the rights of the public, for the present path would have to be made very little wider for a carriage-way; iron palisades protected the sides of the footpath, and on one side there was an enclosed space not dedicated to the public at all; and the additional ground required for the carriage-way could not be a serious abstraction from a total of twenty-seven acres on the eastern side of the Park. He would beg to ask Her Majesty's Government whether they will grant an inquiry on the subject either by a Select Committee or otherwise, as they may think fit?

Mr. DILLWYN rose to Order. If questions of that kind were to be introduced, it would be impossible for the Committee to make any progress.

The CHAIRMAN said, he thought the hon. Member (Mr. Bentinck) was in Order, as the Vote related to the Royal Parks.

Mr. BENTINCK said, he should be satisfied if his right hon. Friend the Chief Commissioner of Works would institute an inquiry.

Mr. W. F. COWPER said, the hon. Member might be right in point of Order, but he was quite wrong in point of taste. It was a monstrous proposition that for the sake of the very few people who could want a short and direct cut to nowhere—for he hardly knew where the southern terminus of the road would be—they should interfere with the most agreeable and best laid-out walk in the neighbourhood. St. James's Park was a beautiful specimen of landscape gardening, and the driving of cabs and carriages right through the centre of it would spoil its effect and destroy its charm. The making of the roadway would be a piece of Vandalism of which he hoped they would not be guilty.

Lord JOHN MANNERS said, he quite agreed that the appearance of the foot bridge was not ornamental, because it cut in two the ornamental water; but he entertained great doubts whether its ornamental character would be improved by the alteration proposed. The bridge necessary for a carriage-way must be a considerable structure; and there was great difficulty in obtaining a satisfactory foundation even for the present foot-bridge. As the proposal would involve considerable cost, he advised the hon. Member to leave the matter in the hands of the Chief Commissioner of Works at present.

MR. ALDERMAN LUSK said, he desired to call the Committee back to the consideration of the actual question before them — that of the proposed Vote for the Royal Parks and Pleasure Gardens. He was glad to notice a diminution in the whole amount as compared with that of the previous year, but there were some items respecting which he thought some additional information should be given. Of the Vote for Hampton Court Palace the charge of £3,690 only had reference to that part of Hampton Court Palace and grounds from which the public enjoyed the benefit. No one grudged this; it was the large additional sum of £6,700 that this place cost from which the public derived no benefit, at which he grumbled. He wished to know how it was the Ranger's Department for Richmond Park cost upwards of £2,000, whilst the Ranger's Department for St. James's, Hyde, and Green Parks only cost £131 ? £2,017 had been expended on the extension of the horse rides in Hyde Park. He hoped the right hon. Gentleman the Chief Commissioner would not curtail the area too much in making his improvements, or forget the poor people who wished to enjoy the Park as well as those who went there on horseback. He was against the surface of the Parks being encroached on much by making even rides and ornamental flower gardens. He next referred to the sum now being expended in making the Serpentine shallower; and, in reference to Victoria Park, he objected to a building within it being licensed for the sale of beer. He disputed the necessity for the sale of beer in any park. It was offensive to teetotallers and men who wished to promote temperance to set up a drunkery in the middle of a public park. He was not a teetotaller, but he sympathized with those who wished to forward their views, and he did not want needlessly to give offence to any class. It did not become Parliament to permit a beer-shop to be established in the middle of this Park—it dare not do so in Hyde Park—and, therefore, he protested against it. He wished further to know how it was the charge for the police force in the Parks had increased so much?

MR. GOLDNEY said, the Vote for the Parks was one that must force itself on the attention of the Committee as a question of principle. A few years ago this Vote amounted to between £50,000 and £60,000; and in 1867 it rose to £90,000, and now it reached £127,000. He did not think that the whole of this increase ought to be borne by the public. If the increase was to be defrayed out of the Estimates, they would find the other large towns in the country making demands for contributions for the same purpose and from the same source. In Liverpool, Manchester, and other large towns these parks were purchased and supported out of the municipal funds. He had just been to Liverpool, where he saw two large and beautiful parks, and heard that the town had purchased a piece of land for an ornamental garden, which would cost £400,000. Some portion of the cost arising from the improvements effected in the existing London Parks ought, at all events, to be borne by those who more immediately derived advantage from them. He would suggest that the Vote for the Metropolitan and Royal Parks should be fixed at some definite figure—say at £100,000 a year; and if that plan were adopted, the right hon. Gentleman (the Chief Commissioner of Works) would know what amount he had at his disposal, and would be obliged to refuse many demands which were made upon him. ["Move."] For the purposes of the discussion he would presently move the reduction of the Vote by £27,000 a year.

MR. GUEST said, he rose to move the omission of the Vote for Clothing and Salary of the Gatekeeper at Clarence Gate, Roehampton. It was difficult to understand why the public funds should be called upon to defray the expense of a keeper who was placed at a gate for the purpose of preventing its being used by the public. There were many hon. Members who, like himself, had been disappointed by being repulsed from this gate, and having to go a considerable way round; and, as passage by this gate was invariably refused, it was unreasonable to charge the Estimates with this expense. The gate was maintained merely for the convenience of a private individual, the proprietor of Clarence Lane—the Royal Family using it only by courtesy.

MR. BOWRING said, that he should have brought the proposition forward himself if the hon. Member (Mr. Guest) had not done so. He had himself been a frequent sufferer from this man's refusal. When he saw the present Vote on the Estimates he took it for granted that everything had been settled; but, on going that way he found this Cerberus more surly than ever. He believed it was not too much to say that in the summer time as many as 100 parties were frequently turned away in the course of a single day from this gate. If the gate must be kept in its present state, he would suggest that it should be called "Dog-in-the-manger gate."

Mr. Alderman LAWRENCE said, he called attention to the subject last year, and from what was then stated had hoped that that was the last time the Vote would have appeared in the Estimates, unless the gate was open to the public. The restriction extended, not merely to persons entering, but to persons leaving the Park by the particular gate. The continued existence of a monstrosity of this kind affecting a Royal Park was only to be explained by its connection with a Government Department. A simple plan of solving the difficulty would be to brick up the gate, pull down the lodge, discard the gatekeeper, and save, not only his salary, but the other incidental expenses. If that were done, there would soon be applications from persons resident in the vicinity and desirous of a nearer approach to the Park than a circuit of two or three miles.

Mr. LAYARD said, it would be observed that he had departed from the usual course, and had put down the gatekeeper at Clarence Gate as a separate Vote, leaving the Committee to deal with it as it thought fit. What had been stated was perfectly true. This gate, leading into the public park was maintained at the public expense, and was the nearest access to the Park from the metropolis. Hundreds of thousands of persons would pass through that gate if they could do so, but it was approached by two private roads belonging to individuals or to a company, he really could not tell which. These roads were closed against all the public except the Royal Family and certain persons inhabiting Richmond Park to whom permission was given to use them; and so strictly was the privilege insisted upon, that having the Park under his charge, and wishing the other day to see these roads, a bar was slammed to and he was told that he could not pass. He mentioned his name and official position, but was informed that a Mr. Rogers, secretary to the company had given special orders that the First Commissioner of Works was to be excluded. He thought this rather a strong step, but he found a notice posted up to the effect that no one but shareholders and the persons he had already mentioned were to be allowed to use these roads. That a gate maintained at the public expense should thus be made a source of profit to shareholders in a private undertaking was no doubt a monstrous thing. On the other hand this gate was certainly a great convenience to the members of the Royal Family inhabiting the White Lodge; the roads were undoubtedly private property, and a mistake seemed to have been made in disputing that point. He had been given to understand, on what he considered very good authority, that the owners of these roads were willing to take £2,000 for them, and he induced his right hon. Friend the Chancellor of the Exchequer to consent to what would have been in the public interest a very fair method of settling the question. But the owners of the roads having ascertained that the Government were willing to give £2,000 for the roads, immediately raised their terms to £4,000; or they offered to give one of the roads—that leading to Roehampton—for £2,000, retaining in their own hands the one which would have been most useful to the public—that leading to the main London road. The negotiations accordingly had fallen through; and it was now for the Committee to determine what course they would adopt.

Mr. NEVILLE-GRENVILLE asked whether, if the company had a right to go into the Park through the gate, the right hon. Gentleman could cause it to bricked up?

Mr. LAYARD: Oh, yes.

Motion made, and Question,

"That the Item of £52, for the Gatekeeper at Clarence Gate, Roehampton, be omitted from the proposed Vote,"—(*Mr. Arthur Guest,*)

—put, and *agreed to.*

Original Question, as amended, proposed, "That a sum, not exceeding £84,825, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Royal Parks and Pleasure Gardens."

MR. W. F. COWPER asked, what was proposed to be done with the trees in the Cambridge Enclosure in St James's Park; and, also, what arrangements had been made with the Dean and Chapter of Westminster?

MR. LAYARD said, that in replying he would commence with the matter to which attention had been drawn by the hon. Member for Finsbury (Mr. Alderman Lusk.) His action with regard to Victoria Park had been altogether exaggerated and misrepresented, on the one hand by the teetotallers and on the other by the publicans. In parks constructed under Act of Parliament and where cricket was played, such as Battersea Park and Victoria Park, the sale of beer had always been permitted, and was carried on when he acceded to Office, but the beer was sold in tents at a bar. Of the the system of drinking at a public bar, or what his hon. Friend called "a drunkery," he entirely disapproved; but to the system which existed in the best parks abroad, where a man could have his dinner at a restaurant, and a glass of beer with it, he by no means saw the same objection. He had accordingly sanctioned the opening of a restaurant, believing that this would be a great source of comfort to the working classes, who having come long distances with their wives and children, naturally wanted something to eat, and did not wish to go to the bar in the tents. At present they could get nothing but a few cakes and ginger beer, unless they went outside the Parks to pot-houses, which had arisen in consequence of this state of things, where the scenes were not always such as he or his hon. Friend would desire, and from which persons often came back into the Park drunk, a state of things which certainly did not contribute to the maintenance of good order. Persons would now be able to obtain a plate of hot meat and potatoes, with a glass of beer, or tea if they liked, inside the Park, which ought to be a check upon, instead of an incentive to, drunkenness. During the Whitsuntide Recess he had gone to Paris, and had an opportunity of ascertaining how cheap eating-houses in parks and public gardens were conducted. The attempt had succeeded very well in Glasgow, but there was nothing of the kind in London; and it would, he believed, be a very great boon if such establishments could be opened in places of public resort. The person who had taken the eating-house in Victoria Park appeared to be a thoroughly respectable man, and the tariff was nearly the same as that which had been fixed for the refreshment rooms in the South Kensington Museum, where all kinds of persons obtained a very good repast at a small cost. The place was under supervision, and if he heard of a single case of bar drinking or drunkenness, the permission under which the business was now carried on would be withdrawn. He should add that no spirituous liquors were sold on the premises. The publicans round looked about with considerable alarm on this attempt; they did not like to see a working man contented with his dinner and a single glass of beer with it. They wished him to have his beer with something in it which would make him thirsty and want to drink more, and thereby lead him on to drunkenness. The clergyman of the district, the Rev. S. Hansard—a most excellent man, who took a deep interest in the welfare of the working classes—was at first led by misrepresentations to oppose the opening of the restaurant, but since the matter had been explained to him, he had come completely round. In reply to the question of his hon. Friend (Mr. W. F. Cowper), he must admit that the Cambridge Enclosure was in a bad state, and he would try and put it in some kind of order, but he should not interfere with the trees. With regard to the item for a stone and inscription in Hyde Park, the explanation was there was formerly a convent on the spot which belonged to the Dean and Chapter. It was pulled down, but they had stipulated that a stone should be put up to show that the buildings once belonged to them. He would admit that the gravel walks and the drainage of the north side of Kensington Gardens were not good, but next year he would see what could be done to improve them. The arbour of which complaints had been made was formerly in a dirty corner, but it was now a rather ornamental object, and, though he did not place it where it was, he did not think it was worth the expense of removing it. The ride in Rotten Row, the extension of which had been complained of, had, he thought, added to the amusement and pleasure of the pedestrians as well as of the riders. With regard to Hampton Court, it contained not only gardens and grounds, but an interesting historical collection of pictures and tapestries, and on Sundays and holidays there were thousands of visitors to see the Palace as well as the grounds. London had now two new and fine Parks—Victoria and Battersea—but the principle laid down by the hon. Member opposite (Mr. Goldney) had been recognized in the two Parks latest constructed —Finsbury and Southwark—which were made by the Metropolitan Board of Works, and paid for out of the metropolitan rates. He did not think it would be advisable to reduce the expenditure for the Parks by any considerable sum. Many of the items would not occur again, and it would be a pity to limit the Vote to a particular sum, and that the works already undertaken should be abandoned.

Mr. CANDLISH said, that the Police Vote had increased from £15,000 to £17,000, although there had been no increase of park space during the past year. Unless some satisfactory explanation were given it would be his duty to move the reduction of this Vote.

Mr. GILPIN said, he should oppose any such reduction. If the hon. Member had to go across the Parks as frequently as himself he would have known that one of the great complaints was that they were so inadequately protected.

Lord JOHN MANNERS said, that when he last filled the office of First Commissioner of Works his attention was called to the complaints of want of due protection in the Parks. On going into the question he satisfied himself that this arose from no fault on the part of the old soldiers who were park constables, but that a change in the system was rendered necessary by the vast numbers of people and the valuable property now in the Parks. He determined not to dismiss all the park constables, but gradually to substitute the metropolitan police force for them. The change had been attended with the happiest effects and had given the greatest possible satisfaction.

Mr. LAYARD said, that the increased charge was rendered necessary by the large number of police now employed in the preservation of order and of public property in the Parks, Hyde Park being now open during a greater part of the night. The charge was as low as it could safely be. As a proof he might mention that there was only one policeman at night in the Victoria Park.

Mr. CARTER said, it was rather hard upon the great towns to have to pay for the construction and maintenance of parks which were almost exclusively used for the benefit of the people of the metropolis. The London Parks should be paid for in their localities, as were those at Leeds.

Mr. LAYARD said, that no park in the metropolis was more frequented than St. James's Park, but it would utterly destroy its beauty to carry a public road across it. It was, however, deserving of inquiry whether the road could not be shortened between Marlborough Gate and Queen's Square, and he would consider the subject. There was after all, some difference between the metropolis and the large towns in regard to public parks. The three capitals—London, Edinburgh, and Dublin—were a source of national pride, and thousands of persons came up every year from the country who took a pleasure in visiting the London Parks

Lord JOHN MANNERS said, that in respect to local funds the unfortunate metropolis was not one whit in a better position than the town of Leeds. The Board of Works had no property except that raised by the different parishes. No new parks were allowed to be placed on the Votes. The sum asked was what would meet the requirements of the year in the customary form; and the present system he thought would be found more convenient than to fix a sum beforehand—say £100,000,—as now proposed, which would always be spent. Whatever the necessities of the case, that would be the minimum. There would be no hope of keeping the expenditure under £100,000. He thought the hold which the Committee now had over the different Estimates and items greatly preferable. If any Vote was improper or excessive it was competent to any Member to move its reduction or omission.

Mr. ANDERSON said, he quite admitted that considerable difference should be made in favour of London as the Imperial city. But, when it was said that people from the country came up to the metropolis occasionally, it should be remembered that they were made to pay pretty sweetly for their visits, and the Londoners might very well be made to keep up the Parks for them in return. Some arrangement should certainly be made by which at least one-half the charge of the Parks should be borne by the local taxation of London. It was not enough that localities should pay for new parks. That rule should apply to the old as well.

MR. NEVILLE-GRENVILLE said, he was obliged to his hon. Friend the Member for Chippenham (Mr. Goldney) for bringing this subject forward. Every one must admire the taste displayed in the metropolitan Parks, but the charge was an increasing one, and there was great temptation to lay out very large sums in making beautiful borders and additions to the Parks. He did not wish to overlook the agreement with the Sovereign that Parliament should keep up the Royal Parks; but if the Vote were limited to a specific sum improvements would be carried out with greater economy. Some check ought to be placed on the taste of the Chief Commissioner, be he who he might, for the temptation to lay out money in beautiful borders at other people's expense was almost too great for human nature to withstand. £2,017 was a very large sum for the new ride in Hyde Park, as was £355 for the flower border.

COLONEL SYKES said, that the rate-payers of the metropolis were already taxed to the utmost extent of their means; the lower class of shopkeepers being barely able to meet the taxation which was laid upon them, and all for the public improvements going on in London. The rate-payers were, in fact, made victims for the benefit of future generations. The Metropolitan Board of Works already owed about £6,000,000, and there was a further loan of £380,000 asked for. He did not think his hon. Friend the Member for Glasgow (Mr. Anderson) could have considered the real state of the taxation in London, or he would not have made the proposal he had done.

MR. GOLDNEY said, he would at once move the reduction in the Vote to which he before referred. The Chief Commissioner stated that the Vote had been increased by a number of expenses which would not occur again; but it was to these exceptional sums that he objected, and unless some check were imposed they would next year still further augment the amount. If the sum were limited, it would be found sufficient to the requirements of the case. He knew of a remarkable instance in which a gentleman had seventy or eighty men employed in his garden grounds. He died, his heir made a reduction in the number of gardeners employed, and during the last fifteen years the same grounds had been kept in equally good condition by eleven men. No doubt the Chief Commissioner had loads of letters from different parties, each asking for his own locality to be beautified, and he was obliged to give way; but with only a certain limited sum at his disposal he would lay it out economically and to the best advantage. He moved that the Vote be reduced by the sum of £28,825.

Motion made, and Question proposed,

"That a sum, not exceeding £56,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Royal Parks and Pleasure Gardens."—(*Mr. Goldney.*)

MR. CAWLEY said, he believed the country was quite willing to bear a fair proportion of what might be deemed the legitimate charge for the Royal and ancient Parks of London, which were enjoyed by all who came to the capital. But that expenditure was increasing on them from year to year; and it was perfectly clear that there were heavy items included in the Vote in which the country at large was not in the slightest degree interested. There was, for example an item of £13,000—part of £26,000—for reducing the depth of the Serpentine to prevent the danger to skaters. That expenditure might be a very proper one, but it did not seem one for which the whole country should be asked to pay. Then as to the police he entirely agreed in the importance of having the Parks well watched if they were thrown open during the night; but certainly people did not come up from the country to enjoy the Parks of London during the night. Again, Victoria Park and Battersea Park were not Royal Parks, or places in which people from the country took any interest. It was, in his opinion, high time to put a limit on that expenditure.

Sir PATRICK O'BRIEN said, as an illustration of the manner in which the details of the Parks were administered he might mention that a private person who objected to the position of an alcove house situated near his residence in the neighbourhood of Princes Gate, was allowed by the Office of Works, on his undertaking to pay the expense of its removal—£400—to have it removed to the opposite side of the park, without consulting the convenience of the residents in that neighbourhood, whose view of the ornamental water it totally intercepted. He wished to know whether, if there were any complaint of this, the alcove would be re-placed on its original site?

Mr. Alderman LUSK said, he hoped the Amendment would be withdrawn. Instead of arbitrarily suggesting that a lump sum should be taken from the Vote hon. Gentlemen who objected to it should point out the particular items which they thought required reduction. That, he submitted, was the logical way of treating the subject. They might as well ask the people of London to maintain Buckingham Palace as to maintain the Royal Parks and Pleasure Grounds. They were national institutions for the benefit of strangers coming to London as well as for that of the permanent inhabitants. There was a large sum voted for Holyrood Park, Edinburgh, and Phœnix Park, Dublin.

Lord JOHN MANNERS said, that the alcove house to which reference had been made was found in its old position to be extremely inconvenient inside of Kensington Gardens, as well as a most unsightly object outside of them, as it projected on to a public road. The Office of Works, over which he had the honour to preside at the time, thought the proposal that it should be removed was a good one, and in sanctioning its removal their object was not the benefit of a few people who lived near it. As to the particular spot to which it was to be removed, the private persons spoken of had nothing whatever to say. That spot was adopted on the ground of convenience, and the Committee should remember that between the alcove and the houses opposite there were a number of well-grown trees. If it now obstructed the view of anybody in the neighbourhood he regretted it. But during the whole time that he held Office he heard of only one gentleman having made such a complaint. The change was a very beneficial one; and it ought not to be alleged against it that it did not entail a halfpenny of expense on the public.

Sir PATRICK O'BRIEN asked whether the residents in the houses opposite the new site of the alcove house had been consulted before it was placed there?

Lord JOHN MANNERS said, certainly not. He never thought there could be any reason why it should not be put there.

Mr. LAYARD said, he wished to explain that the real annual cost of the Parks was not so great as it appeared to be in this Vote, because, when Victoria and Battersea Parks were formed, some portions of building land were reserved for sale and lease towards the expense of them, but the profit rents of these lands—which were considerable—came into the Imperial Exchequer under the head of the Woods and Forests, and did not appear in these accounts. If this deduction was taken into account, the hon. Gentleman opposite would find that the Vote did not much exceed £100,000, and it was less this year than last by £10,000. He had done and would continue to do his utmost to keep down the expenditure on the public Parks, but if £28,000 were to be struck off the Vote, after all the arrangements for the year had been made, he really could not be responsible for the result.

Mr. SCLATER-BOOTH said, he hoped his hon. Friend (Mr. Goldney) would not divide the Committee. At the same time he thought the tendency to increased expenditure on the Parks had of late been rather aggravated, and he was therefore not at all surprised that hon. Members were disposed to be critical respecting it. It was obvious that the gardening expenses in Hyde Park had been increased at a tremendous rate during the last few years, and it was a question how far that increase ought to be continued. He was always for a judiciously liberal expenditure on these places of public resort and amusement, but some limit would really have to be put on horticultural extravagance. He should like to know what was the exact nature of the improvements which the right hon. Gentleman proposed to carry out at a cost of £26,000 or £27,000 with regard to the Serpentine? From time to time controversies had arisen in the newspapers as to whether the condition of the Serpentine was such as to be productive of disease. For his own part he had never discovered that malaria arose from it, while he had frequently admired the clean and wholesome appearance of its banks, and the freedom of the water from noxious weeds. However this might be, the expense of £26,000, which was apparently intended to be incurred on the purification of the Serpentine, was a matter requiring special attention on the part of the Chief Commissioner. An analogous case occurred a year or two ago in regard to the Regent's Park; but the public mind was then excited in consequence of the frightful accident which had recently occurred through the breaking of the ice. In his opinion, however, the inhabitants of London might be fairly expected to take into consideration the fact that they incurred a certain amount of risk when they skated on so large a piece of water as the Serpentine. He was not aware that reducing the depth of an ornamental sheet of water was at all conducive to its healthy character. Indeed, his experience, especially in regard to the ornamental water in St. James's Park, which had been reduced to a depth of four feet was quite the other way.

MR. LAYARD said, that the cleansing and purification of the Serpentine had been under consideration for a very long time, and it had been postponed so often that it now became a matter of necessity. The hon. Gentleman opposite was probably unaware that for a very long time all the drainage of that part of London emptied itself into the Serpentine, and that the depth of the mud and filth was very considerable. The bottom was, besides, full of holes, which were the source of frequent accidents to bathers and others. In point of fact it was absolutely necessary that the Serpentine should be cleansed and the bottom reduced to one uniform depth, although he by no means insisted that the depth should be four feet.

MR. HENLEY said, he was unable to support the Amendment, because looking at the increasing population of the metropolis and the accommodation they required, he did not think the Vote excessive.

THE CHANCELLOR OF THE EXCHEQUER said, it seemed to him that the sort of economy suggested by this Amendment was the very worst that could be possibly conceived. It proposed that hon. Gentlemen should give up their function of estimating as reasonable beings each different item of expenditure, and should take the whole sum of £128,000 saying—"Our sense of symmetry and of propriety will be satisfied by granting a round sum of £100,000; we will therefore cut off £28,000 and leave the remainder to the Minister, who must make it do." Now, these Estimates ought to be framed by reason and judged by reason, and if the course proposed by the hon. Gentleman were to be followed the Government might as well come forward and say—"As far as we can see £128,000 is all we shall want, but as £150,000 agrees with our sense of symmetry and propriety, we may as well ask for that sum." The present Government, though they had not been long in Office, had already given proofs of its desire to economize, and he did not think they ought to be met with a Vote of this kind, which was one of the most difficult for a Government to endure, because it raised no objection to any item in regard to which any Minister might be in error, but simply told the Government that they were guilty of extravagance and unable of themselves to correct it. The hon. Gentleman opposite (Mr. Sclater-Booth) had spoken of the increase of the expenditure on the Parks, but he would remind the Committee that when the hon. Gentleman was in Office that expenditure was £10,000 more than it was at the present time. As his right hon. Friend (the Chief Commissioner of Works) had explained, a further considerable reduction ought to be made from the Vote in consideration of the rents received from the surplus building lands of Victoria and Battersea Parks, and the cry which was raised seemed to him to arise very much from the circumstance of the Commissioners of Works having been separated from the Commissioners of Woods with regard to this matter. The Queen, in consideration of the Civil List, had surrendered her forests and domains to the nation, who derived a large revenue from them; although, of course they were bound in return to maintain the Parks as being part of Her Majesty's Royal domain. Indeed, that bargain had been always regarded as one by which the Crown lost heavily and the nation gained largely. Under these circumstances it was the duty of the nation to maintain the Parks in a manner suitable to the Royal dignity, for they could not doubt that, if the Parks were in the possession of the Crown, they would be suitably maintained. He maintained that the Parks did not exist solely for the benefit of the inhabitants of London and its neighbourhood, as they were largely used by thousands of people whose permanent residence was in the country, but who spent several months during the season in the metropolis, and contributed nothing to its taxation. ["Oh! oh!"] He should like to know what a person who lived for a few months every year at an hotel in London contributed to its local rates? About the beginning of April in each year London was visited by so great an incursion of ladies and gentlemen that we could hardly cross the streets without being run over, while Rotten Row was blocked up by riders; and was it unreasonable when London was over-run in that way that they should ask for some public contributions towards the maintenance of its Parks. He was no advocate for extravagance; but the Serpentine was in a most noxious state, and if we were living in a warmer climate it would be a source of constant fever, pestilence, and death. As it was it was most injurious to the health of those who lived in its neighbourhood. No gentleman would allow a sheet of water in his private grounds to remain in so unwholesome a condition, and it ought to be properly cleaned and purified without further delay for the sake of those who lived around it, and for the sake of those who came up from the country. For these reasons he believed the Committee would do well to reject the Amendment.

Mr. SCLATER-BOOTH said, the right hon. Gentleman the Chancellor of the Exchequer had stated that that Vote was lower by £10,000 than it had been last year; and undoubtedly in the mere item of works there had been a reduction to that amount. But no one could visit Hyde Park without seeing that there was a tendency to increase the expenditure upon it, and it appeared to him to be very desirable that the House should carefully look after that increased expenditure. He was entirely at issue with the right hon. Gentleman in reference to the state of the Serpentine. He had lived in London for the last twelve or fourteen years, and he was not aware that the Serpentine was a cause of disease or death. He believed the water would purify itself. The right hon. Gentleman contended that the Government had given such evidence of a desire for economy that they ought to receive credit for wisdom and good intentions when they advocated an expenditure of that description upon its merits. But he (Mr. Sclater-Booth) should observe that the Civil Service Estimates had not diminished but had increased since last year. He did not make any particular complaint with regard to the Estimates for the Parks; but he repeated that, in his opinion, they ought to be subjected to very careful examination.

Mr. W. M. TORRENS said, he should vote, and for some of the reasons stated by the Chancellor of the Exchequer, for the Amendment of the hon. Member for Chippenham (Mr. Goldney). They were intending to vote for the question on its merits when the right hon. Gentleman rose and sought to turn the question into one of confidence or no confidence in the Government; but if that was the spirit in which the Estimates were to be discussed the Committee might as well take them at once *in toto*. He had not the opportunity of paying very frequent visits to the Park, but the general account given of it by ladies who visited it, was that it was "something too lovely." Now he believed it was too lovely, regard being had to the fact that the country was taxed to keep it up; and he maintained that the hon. Member for Chippenham had done good service in trying to put a bridle on that tasteful but wasteful expenditure. He would beg to remind his right hon. Friend the Chief Commissioner of Works that when he (Mr. W. M. Torrens) asked him, at the beginning of the Session to do an act of justice by aiding the inhabitants of the East of London in obtaining and preserving a park for that quarter of the town, though they were perfectly willing to be taxed for the purpose, he could obtain from him no further help than the assurance of his sympathy, which, valuable though it might be, would not furnish playgrounds for the children of those poor people.

MR. CRAWFORD said, that the practical result of the rejection of the Vote by the Committee would be that works which were already in progress would be put a stop to, and it would be rendered impossible that the Parks could be maintained. The vast labouring population of the metropolis which dwelt at the East-end had no greater interest in having these Parks at the West-end kept up than the inhabitants of Liverpool or Dublin. The fact was, they contributed to the enjoyment of but a small portion of the inhabitants of London. During the months of autumn and winter they were almost deserted; and of the numbers who at this season of the year occupied seats in the vicinity of the Ride, nine out of ten were not regular residents in the metropolis. He would state of his knowledge that the taxation in London for local purposes had increased enormously within the last ten years—in the case of his own house, 50 per cent—and he altogether objected to having it further increased to maintain parks for the nation at large.

MR. GOLDNEY said, he had no objection to see the Parks maintained; but then there were four items of expenditure which he regarded as unnecessary—that of £3,000 for new gates, £3,000 for new roads, £4,000 for a new hothouse, and £13,000 for the purification of the Serpentine.

Question put.

The Committee *divided:*—Ayes 42; Noes 98: Majority 56.

Original Question, as amended, again proposed.

MR. CAWLEY moved the reduction of the Vote by the sum of £13,125, being the amount asked for alterations in the Serpentine. He thought the account given of the state of the Serpentine by the Chancellor of the Exchequer exaggerated, and that more information was needed before the Committee could well sanction the Vote. He had no confidence that the estimate of £26,000 would cover the improvements proposed. Apart from the general question whether the nation at large ought to be called on to contribute to this expenditure, he thought the outlay itself was for a work of questionable utility. Shallow water would produce confervæ; and while the mud at the bottom would do no harm where it was, the attempt to move it would liberate its noxious gases. As to the alleged enjoyment derived from these Parks by country visitors, that was an argument which, if carried to its legitimate extent, would come to this—that the country should contribute to all public parks, wherever situate; because in all the large towns where they existed parks were not in that sense made for the inhabitants of those towns alone, but for all the inhabitants of the locality who chose to go there.

Motion made, and Question,

"That a sum, not exceeding £71,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Royal Parks and Pleasure Gardens,"—(*Mr. Cawley,*)

—put, and *negatived.*

Original Question, as amended, put, and *agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £82,479, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Maintenance and Repair of Public Buildings; for providing the necessary supply of Water for the same; for Rents of Houses for the temporary accommodation of Public Departments, and Charges attendant thereon."

MR. BOWRING said, that when it was resolved to convert the neighbourhood of Whitehall into a grand suite of public offices it was expected that there would be a considerable saving in the item of rent of hired offices. The new Foreign Office was now completed, and they had some experience of the result. The Board of Trade had entered the old Foreign Office, and the total saving on the Vote of £31,000 was £500; and inasmuch as the cost of the Foreign Office was £260,000, the total saving was less than one-fifth of 1 per cent.

MR. ALDERMAN LUSK said, he hoped that the Government would use some endeavours to reduce the expenses in connection with Chelsea Hospital, which were quite out of proportion to the number of pensioners maintained in that institution.

MR. SCLATER-BOOTH said, the hon. Member was somewhat ungrateful in complaining of the expense of Chelsea

Hospital, and omitting to mention that, owing to the exertions of the past and present Chief Commissioners of Works, the cost of keeping up the Chelsea Gardens had been altogether removed from the Estimates, and transferred to the fund of the Hospital.

Mr. CANDLISH said, he wished to know why there was an increase in the present Vote over the amount voted last year for fuel and light. Coals were cheaper at present than they had been for a long time, and gas also was in course of reduction in price. The amount under this head in last year's Estimates was £18,900, and in the present Estimates it was £20,220. He moved that the item of £20,220 for fuel and light be reduced by the sum of £1,320.

Motion made, and Question proposed,

"That the item of £20,220, for Fuel and Light, be reduced by the sum of £1,320,"—(*Mr. Candlish,*)

Mr. LAYARD said, that the amount for lighting appeared large, but the fact was that the way in which that House had been constructed made it necessary to burn gas in some of the apartments during the daytime. He hoped that in the course of the present year improvements would be made so as to allow daylight to enter more freely, and he trusted that the present item would consequently be reduced next year.

Mr. DILLWYN said, that the increase in the item for gas was not caused by the House of Commons, but by other public buildings.

Mr. SCLATER-BOOTH asked the Under Secretary of State for Foreign Affairs whether it was true that not only that House seemed to have been built in the dark ages, but that the new Foreign Office also was so constructed that some of the rooms required to be lighted by gas in the daytime?

Mr. OTWAY said, that was the case with regard to one or two passages; but it was hoped that in time the defect in that building would also be remedied.

Mr. BROGDEN said, he thought the increase of £1,300 on the item under discussion was perfectly indefensible, because there had been no extension of Public Offices great enough to account for such an additional outlay.

Mr. CANDLISH said, he believed that the Chief Commissioner had misapprehended the Vote he had moved; it had been pointed out that the lighting had nothing to do with the House. He hoped the right hon. Gentleman would be able to give some further explanation.

Mr. LAYARD admitted his error, but was not quite sure whether the cost of the gas in the courtyard was not defrayed by this Vote. The gas lighting in the new Foreign Office, however, would account for some of the increase.

Mr. MONK pointed out that the total increase amounted to the sum of £3,000.

Mr. SCLATER-BOOTH said, he wished to know why the items for rates for the Government property were not put under one head?

Mr. AYRTON: The item of £1,150 is a charge made under Act of Parliament. The item of £9,252 is a sum paid in aid of, or a contribution in lieu of rates—the Crown not recognizing the right to make a legal demand for them. The arrangement has not been carried out completely; when the arrangement is complete the Departments of the Army and Navy will each account for the sum it disburses in respect of the property it occupies, but will do so, of course, under the sanction of the Treasury.

Colonel BARTTELOT said, he would like to know why £2,000 had been put down for increased accommodation for the Charity Commissioners?

Colonel SYKES said, that the rents paid for various public offices were enormously high for the accommodation provided, and that the matter was worth investigation.

Question put, and *negatived.*

Original Question put, and *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £10,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Supply and Repair of Furniture in the Public Departments."

Mr. BROGDEN said, the expenditure for furniture for the last eight years amounted to £20,898. He wished the other Departments would imitate the economy of the Chancellor of the Exchequer, as the demand for furniture in his office only amounted to £8. Among the items were these:—Office of the Great Seal, £329; the National Debt

Office—almost a superfluity—£235; the Poor Law Board, £423; the Public Works Loan Office, £453; the Record Repository, £313; the Treasury, £364; and the great item of all was £2,687 for the War Office. He admitted that the Government deserved credit for having reduced the Estimate by £1,000 from last year; but as similar sums had been voted in past years for furniture for most of these offices, and the same remark applied to nearly all, he felt it his duty to move that the proposed vote of £10,000 should be reduced by £4,000.

Motion made, and Question proposed,

"That a sum, not exceeding £6,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Supply and Repair of Furniture in the Public Departments."—(*Mr. Brogden.*)

MR. LAYARD said, the Estimates showed what was expended last year, and that expenditure was the only guide to the probable expenditure of the present year. The total sum had been £15,000 a year; this year the Estimates were reduced by £1,000; and it would be his duty, in the course of the year, to cut the expenditure down as much as possible, and to see that the officers did not ask for more than they ought to have.

MR. NEVILLE-GRENVILLE said, surely the cost of the War Office could be reduced now that they were blessed with a new War Lord of the Treasury.

MR. SCLATER-BOOTH said, that according to an arrangement with the Ecclesiastical Commissioners, the item of £184 on account of their offices ought not to have appeared in the Estimates.

MR. ANDERSON said, that the Chief Commissioner of Works seemed to think that because so much was spent last year the same would be required this year; but he (Mr. Anderson) arrived at an opposite conclusion, seeing that furniture did not wear out in a year.

COLONEL SYKES said, the yearly expenditure upon furniture for the Public Offices was simply inexplicable. He should like to know the system pursued in the renewal of furniture. Did each office order its own furniture, and then send in the bill?

LORD JOHN MANNERS said, that within his recollection the vote was £20,000 a year, and the reduction to £14,000 was satisfactory, considering the increase in the number of offices. The pains that were taken at the Office of Works to check and reduce the demands which were made by other offices were most creditable; and he could not let the opportunity pass without mentioning the name of Mr. Austin, the late Secretary, who looked sharply after these demands. Whereas £15,000 was voted last year, owing to the care taken only £13,200 was expended, and there was reason to hope that the expenditure this year would be less than the Estimate.

MR. CANDLISH said, it appeared that there was no Estimate before the Committee, and that they were asked to vote money in a manner which had been condemned by the Chancellor of the Exchequer. It was just as easy to estimate the furniture as it was to estimate anything else that might be required. Practically, they were asked to vote a sum of money to be spent upon those who would ask for it.

MR. BENTINCK said, he could confirm what had been said as to the efforts made to keep down this expenditure.

MR. MONK said, this was no Estimate whatever, and he should support the Amendment.

MR. DILLWYN said, at all events there ought to be no entry for the Ecclesiastical Commissioners.

MR. LAYARD said, the Estimate was as fair as could be given. You could not tell at the beginning of the year what the offices would require.

MR. SCLATER-BOOTH said, a note ought to have been appended to the item for the Ecclesiastical Commissioners, stating that it would not appear again; otherwise there was no security that arrangements which were entered into would be carried out.

MR. W. FOWLER said, he could not understand, to take one item, how the Master of the Rolls could require such an expenditure in furniture for his chambers. The only principle seemed to be that if furniture was not wanted in one office it might be wanted in another.

Question put,

The Committee *divided:*—Ayes 52; Noes 112: Majority 60.

Original Question put, and *agreed to.*

(5.) £17,000, to complete the sum for acquisition of Lands for the New Palace of Westminster.

Mr. GOLDNEY asked for an explanation of the Vote. As far as he could trace it, its history was this — Five or six years ago an estimate was made for the purchase of the land that lay to the west of the House, and the proposal was to make it an ornamental garden. The estimate was £108,000, but only about £30,000 had yet been voted, and meanwhile the remaining property had increased in value, the tenants' claims for compensation increased, the original estimate had been increased to £150,000, and before the plan was completed it would very likely rise to £200,000. Now, in such a case it seemed to him that either the Government ought to go boldly with the money in their hands and buy the whole of the property at once, or they should give the whole thing up. Independent Members ought to make a stand here, and it was clear that they were fighting both front Benches on these questions of expenditure.

Mr. LAYARD said, the original Estimate stood at £150,000, and still remained at that amount. The ground to be purchased lay to the south-west of the Houses of Parliament, and upon it there were a great many old houses which, it was represented, would be exceedingly dangerous to the Palace in case of fire.

Mr. GOLDNEY said, the estimate of which he had spoken was that of Mr. Pownall, adopted some four or five years ago. If danger did really exist, it would be better to buy all the land needed at once than to wait for a rise in value.

Alderman LUSK agreed with the hon. Member for Chippenham (Mr. Goldney). He thought the land should be bought up at once.

Vote *agreed to.*

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £34,026, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Buildings of the Houses of Parliament."

Mr. MONK said, he must draw attention to the enormous increase of £1,221 upon the item for fuel and gas, which last year was under £6,000. He moved that the Vote be reduced by £1,221.

Mr. PEASE asked for explanation of the cost of warming and ventilation. The supply of three steam boilers could not account for a difference of £3,000.

Mr. J. WHITE observed a charge of £2,000 as an estimate of the cost of increasing light round the central hall and in the halls and corridors. He entirely sympathized with the object, but wished to know by what means it was to be attained.

Mr. LAYARD said, the remedy was very simple. When only a ceiling intervened between the passage and the sky, he proposed to remove the ceiling and put out the gas. This had been already done with good effect in some cases, and he hoped to do it in a good many rooms throughout the building. His attention had been called to the large expenditure upon gas, and a short time ago he sent a circular to the various officers having apartments in the Houses of Parliament, urging that economy in its use should, as far as possible, be observed. The Committee need not be told that a good deal of gas was used in cooking.

Mr. CANDLISH said, the right hon. Gentleman had just given a very good reason for the reduction of the Vote as proposed.

Mr. SCLATER-BOOTH asked for some explanation as to the estimate of £8,000 proposed to be expended on the improvement of the central hall between the Houses of Lords and Commons.

Mr. LOCKE KING said, that the crypt was another dark place requiring a good deal of light. He wished to know by whose authority the large sums already expended had been spent, with what object furniture had been placed in the crypt, whether it was intended to perform Divine service there, and if so, by whom the cost was to be defrayed?

Mr. LAYARD said, that the central hall, one of the most important chambers in the building, was very dark, and altogether unsuited for its purpose. He wished to alter it, by raising the lantern and doing away with the artificial light sometimes required on a summer's day. Parts of the walls also had never been finished, but were covered with paper, which was going to decay. He proposed to re-place this with suitable decorations. As regarded the crypt, the works there were undertaken by his predecessors, and the sum of £500 included in the Estimates would finish the outlay both upon the crypt and baptistry. As regarded future expenditure, it was for the House to say whether they wished Divine service to be performed there.

Mr. KINNAIRD hoped his right hon. Friend did not adopt the expenditure on the crypt. Anything more monstrous or lavish it was impossible to conceive.

Mr. MONK said, that giving his right hon. Friend full credit for his efforts to economize fuel, he would not press his Amendment on that point, especially as this had been a cold summer, but he felt bound to seek a reduction in the amount of the Vote for gas.

Motion made, and Question proposed,

"That a sum, not exceeding £32,805, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Buildings of the Houses of Parliament."—(*Mr. Monk.*)

Mr. LOCKE KING said, that part of the £500 was to be laid out on a baptistry, What could the House possibly want with that?

Mr. BENTINCK said, he thought his right hon. Friend ought to be a little more explicit about these decorations in the central hall, which were to cost £8,000. The Commission of Fine Arts, which formerly existed, ran into all sorts of useless expenditure, and came deservedly to an end some five or six years ago. It was supposed that no new statues would be erected without a Vote of that House; but eight new ones had made their appearance in the north wing of the building, in the passage leading to the Speaker's Court. One was a statue of Henry VIII., who was represented as a very thin man, and was squeezed into a niche where he seemed very uncomfortable. Opposite to him was William III., who was known to be a short man, but who was represented as very tall. The other six statues were equally extraordinary. They represented early Christian kings, but were not inscribed with any names. Still they all professed to be works of art, and therefore he trembled when he heard the right hon. Gentleman talk of "some decoration."

Mr. MORLEY said, he wished to know whether the right hon. Gentleman could not provide two or three rooms where Members could have interviews with their constituents? ["No, no!"] It was quite conceivable that an intelligent citizen should now and then wish to have intercourse with his Member.

Mr. Alderman SALOMONS said, he would call attention to the item of £1,000 for a picture of the "Judgment of Daniel," by Mr. Herbert, which was to be put in the Peers' robing room. He wished to know when that picture would be finished?

Mr. MILLER said, he thought the sum of £4,410, just put down for the subway from the House to the railway station, was very large for so small a work. He wished to know whether it had been contracted for?

Mr. LAYARD said, there was a great want of accommodation in the House for purposes suggested by the hon. Member for Bristol (Mr. Morley), and he was unable to suggest a remedy. One proposal was to make a private lobby of the lobby nearest the House, and to confine strangers to the central hall. With regard to the picture to be placed in the same chamber as the fresco of "Moses with the Tables of the Law," Mr. Herbert was working at it, but he was unable to name a time for its completion by the artist. It was determined to execute the subway beneath Bridge Street by contract, and tenders were sent in. It was expected to be ready early this Session, but the parish interfered in consequence of the water pipes being removed, and other difficulties arose. With respect to the central hall he had thought it desirable to remove the windows and lighten the glass, as had been done in the Lords' corridor. The present windows darkened the hall and almost made it necessary to have gas there in the daytime. By raising the roof, however, and making a kind of lantern, he hoped to make the hall lighter. The Royal Commissioners had recommended that certain frescoes should be placed in this hall; but, after the experience they had had, he should not attempt to put frescoes there. He had been informed by Dr. Percy that no preparation of lime would stand the smoke of London; but he was going to try mosaic, and he had asked Mr. Poynter and Mr. Moore to prepare designs for cartoons for this purpose.

Mr. R. FOWLER said, he hoped the right hon. Gentleman would consider whether the Members' reading room could not be enlarged. It was now much too small.

Question put.

The Committee *divided:* — Ayes 51; Noes 129: Majority 78.

Original Question again proposed.

Mr. J. WHITE moved the reduction of the Vote by the sum of £2,500. He was induced to do so by the ominous intimation of the right hon. Gentleman the First Commissioner that part of the Vote was to be applied to the decoration of the walls of Parliament. Now, after the sad experience they had had as to decorations, there was every reason to fear that the original estimate would be largely exceeded when once they had embarked in such a *dilettante* matter as this, and it was better to put a stop to it *in limine.*

Motion made, and Question proposed,

"That a sum, not exceeding £31,526, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Buildings of the Houses of Parliament,"—(*Mr. White,*)

Lord JOHN MANNERS said, he thought it probable the Committee might desire some further explanation on this subject before coming to a vote; because, although the sum was not a large one, it was undoubtedly the first attempt at any considerable works of decoration since the termination of the Royal Commission. The right hon. Gentleman had confined his observations to the central hall, where he proposed to make structural alterations, to fill the panels with mosaics, and to introduce glass for the purpose of giving a better light. He should be glad to have some further information on the subject. Was the architect, Mr. Barry, satisfied with the alterations proposed in the roof of the central hall? Would the alterations be in entire accordance with the architecture — and would the drawings of the two artists who had been called in be submitted to the inspection of Members of the House? It was proposed to take £5,500 for this special service, but that was only the commencement of what might prove a very serious affair.

Mr. LAYARD said, the noble Lord (Lord John Manners) was quite correct in what he had stated. What he was about to do was undertaken at the suggestion of the architect himself. The hall was exceedingly dark for the greater part of the year, and even during the day it was necessary to burn gas. The lantern would be altered so as to admit more light. The panels were merely rough brick, covered with paper, which was peeling off. The alterations would be done at a very moderate expense. The architect suggested that a mosaic surface, which would reflect light, might be applied to the panels; and the two artists selected for preparing cartoons for this work were well known for their ability. Another part of the expenditure was for a change in the windows—such as had been advantageously effected in the gallery between the Queen's robing room and the House of Lords, when the noble Lord (Lord John Manners) was in Office. He hoped the Committee would have confidence in him to see that these alterations were properly made.

Mr. DILLWYN said, he would certainly support his hon. Friend (Mr. J. White) in the reduction proposed. This Vote was opening a very large question, and it was difficult to see the end of it. He entered his protest against the beginning of these alterations. They were proposing still further to decorate a building which was already, in his opinion, over decorated.

Mr. BENTINCK said, he wished to know who was responsible for the Kings in Westminster Hall?

Mr. LAYARD said, he had nothing to do with the Kings. They were placed there before he came into Office.

Question put, and *negatived.*

Original Question again proposed.

Mr. LOCKE KING moved to reduce the Vote by the sum of £500 for the crypt of St. Stephen's.

Motion made, and Question proposed,

"That a sum, not exceeding £33,526, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Buildings of the Houses of Parliament."—(*Mr. Locke King.*)

Mr. LAYARD said, the noble Lord on the other side (Lord John Manners) would be better able to explain the matter than he could.

LORD JOHN MANNERS said, that last year the House of Commons had been pleased to vote a sum of £3,520 for the decoration of St. Stephen's crypt among other things. The work had been notoriously going on — for year after year a sum had been voted towards its complete restoration and decoration, and the crypt was a very beautiful ecclesiastical national work. He apprehended this would be the last Vote for the purpose, and he did not think the House of Commons would grudge it.

MR. KINNAIRD said, this was the way money was lavished. It was a matter of principle, and he would oppose the Vote.

MR. LOCKE KING said, this Vote was not for money expended; it was an estimate for money to be expended. Antiquarians were of opinion that the crypt had been spoilt by these lavish decorations.

MR. GUILDFORD ONSLOW said, he hoped the House would not refuse the Vote. Two Catholic priests, friends of his, had seen the crypt, and said it was very beautiful.

Question put

The Committee *divided:* — Ayes 42; Noes 121: Majority 79.

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow,* at Two of the clock;

Committee to sit again upon *Wednesday.*

### SHIPPING DUES EXEMPTION ACT (1867) AMENDMENT BILL.

*Considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill for the amendment of "The Shipping Dues Exemption Act, 1867."

Resolution *reported:* — Bill *ordered* to be brought in by Mr. RUSSELL GURNEY and Mr. WILLIAM COWPER.

Bill *presented,* and read the first time. [Bill 184.]

### SEEDS ADULTERATION BILL.

Select Committee *nominated* as follows:—Mr. HENRY BRAND, Sir MICHAEL HICKS-BEACH, Mr. CLARE SEWELL READ, Mr. SHAW LEFEVRE, Mr. COLLINS, Mr. CROSS, Mr. NORWOOD, Mr. M'LAGAN, Sir HENRY SELWIN-IBBETSON, Mr. MORRISON, Mr. COGAN, Mr. BACKHOUSE, and Mr. WELBY:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter after One o'clock.

# HOUSE OF LORDS,

*Tuesday, 29th June,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Civil Offices (Pensions)* (157); Land Tax Commissioners' Names * (158); Prisons (Scotland) Administration Act (1860) Amendment * (159).

*Report of Select Committee*—Fine Arts Copyright Consolidation and Amendment (No. 2)* (51).

*Committee*—Irish Church (109), *debate adjourned.*

### IRISH CHURCH BILL.—(No. 109.)

(*The Earl Granville.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

The Earl GRANVILLE informed the House, That Her Majesty had been graciously pleased to signify that she had placed at the disposal of Parliament her interest in the several archbishoprics, bishoprics, benefices, cathedral preferments, and other ecclesiastical dignities and offices in Ireland.

Then it was *moved* that the House do now resolve itself into a Committee upon the said Bill.—(*Earl Granville.*)

THE EARL OF DENBIGH said, he wished, before their Lordships' went into Committee, to reply to some criticisms which were passed on the conduct of the Catholics during the debate on the second reading. It was said, on that occasion, that the Catholics had shown, by their apathy, how little interest they felt in the Bill; that the Irish Catholics did not care for anything but the land question, and were profoundly indifferent to the Church question; and that the measure was fraught with danger to the peace of the country, since it would so exasperate the Protestants of Ireland as to make them waver in their loyalty, while the Catholic clergy, far from being propitiated, would only use it as a stepping stone for further demands, and would never be satisfied till their Church had won back all she once possessed. It was also said that the Catholics were acting in opposition to their principles in supporting a Bill which secularized Church property. Now, the silence of the Catholics could be easily accounted for, they having been struck with wonder and admiration at the extraordinary turn things had taken in their favour, whereby their Protestant fellow-countrymen had condescended to propose to place them on an equal footing with themselves; they were anxious not to add any fuel to the excitement already existing in the country, trusting that the sense of justice and good feeling which had originated the measure would carry it to a successful issue. If, however, the country should after all refuse to pass the measure, there would be an opportunity of judging whether or not the Catholics were apathetic. As to the land question it was natural that men, when poor and miserable, should care more for the things which appertain to their temporal necessities than to their spiritual requirements or political privileges. At the time of Catholic Emancipation the cry always was—"We are naked and starving; give us shoes, give us bread; what will emancipation do for us?" No one, however, would pretend to say that the Catholics were indifferent to emancipation, and so it was in the present case. To Irishmen gaining their livelihood from the land, anything which would insure to them the fruition of their labours was no doubt a primary object, and, unfortunately, there did not exist in Ireland, as in England that public opinion which would prevent a whimsical agent or landlord from ejecting a tenant after he had laid out money on his property without compensation. As to the Irish Church it was an eyesore to the Catholics of Ireland, because it was the badge of conquest and of Protestant ascendancy, and the land question would not have existed had it not been necessary for the maintenance of that ascendancy to keep the rod of eviction *in terrorem* over the tenant, in order that he might vote as his landlord wished him. Happily, a better state of things and a juster feeling had obtained of late years, but the tradition of old times still existed. The Government had, in his opinion, done well in bringing forward this Bill, though he regretted that the land question had not been dealt with at the same time. This measure alone, indeed, would not satisfy Ireland any more than one swallow made a summer; but it would, at all events, show the feeling of England towards Ireland, and he might illustrate it by a homely illustration. John Bull might be said to have two families—a Catholic family by the first marriage, and a Protestant family by a second, and the former, as not unfrequently happened, had suffered very severely from the conduct of their stepmother. They had had the rod, while the second family had all the sugar; the one had all the kicks and the other all the halfpence. Now, however, John Bull had come forward and had proposed, not only to lay aside the rod, but actually to give the Catholic children one halfpenny to share amongst them. Well, the Catholics, being very poor, were not indifferent to the money, but there was one thing which they valued much more—aye, more than if they had been offered a million of money — and that was the kindly feeling and the return of paternal kindness which had led to the change. If however, John Bull should put the money back into his pocket, and should hang up once more the rod *in terrorem*, the result would be a feeling of bitter disappointment, and the bitterness would sink deep into their hearts, so deeply that it would take years to eradicate it, for "hope deferred maketh the heart sick." The noble Earl on the front Bench (the Earl of Derby) had laid great stress on the danger which would ensue to the loyalty of the Protestants of Ireland if this measure was carried; but he had failed to consider the effect on the Catholics if it was not carried. Perhaps, however, he thought the Catholics had been so long used to disappointment that they would not take it to heart, like the traditional eels who had been so long accustomed to be shinned alive, that they rather preferred the operation. The loyalty of the Irish Protestants must, if this view were correct, be somewhat like that of a hardy plant which had been brought up in a hothouse and had grown rank and weakly in constitution, whereas it ought to be, like the loyalty of the Catholics, not a mere sentiment or political calculation, but an instinct and a religious duty. As to the Catholic Church claiming back its property, she formally renounced all claims to ecclesiastical property in England through Cardinal Pole, and in Ireland there was a tacit renunciation last year, when the Catholic Bishops met in Synod and solemnly renounced all participation in the revenues of the Established Church. As to the noble Earl's statement that in voting for this measure, which secularized Church property, the Catholics were acting in opposition to their principles, he could not expect their Lordships to take the same view as Catholics; but it should be understood that, in their view, the property lost its sacred character when it was taken from the Catholic Church. Bearing the same burdens and liabilities, and shedding their blood on the same fields of battle as their Protestant fellow-countrymen, Catholics thought themselves entitled to a position of equality. The Irish heart was now chilled with the coldness and injustice of centuries; but Irishmen were not naturally cold-hearted, for the warmth of their affection and sensitiveness to justice were well known. Let them feel the fostering hand of a paternal Government, and be assured that henceforth the scales of justice would accompany the sword. Dark pages of Irish history could not indeed be blotted out as with an enchanter's wand, nor could they call the waters of Lethe to drown the bitter memories of past years of cruelty and wrong; but legislation in Ireland for the future must be that of inflexible justice steadily persevered in and accompanied by gentle charity, not that superficial charity which contents itself with an occasional dole, given with a more or less niggard hand, but by the charity described by the Apostle as gentle, kind, long-suffering, hoping all things, and thinking no evil. This, if steadily persevered in, would render Ireland, which through its turbulence, poverty, and dissatisfaction had become a byeword and a weakness to the Empire, that which from the virtue of its daughters, the genius of its sons, and the warm feelings of the whole nation, it ought to be — namely, the pride, the glory, and the strength of the Empire.

Motion *agreed to*: House in Committee accordingly.

Title *postponed.*

Then it was *moved* that the Preamble be postponed.

EARL GREY: When I gave notice of my intention of proposing to negative this Motion, it was the impression of some of your Lordships that there was some irregularity in that course, and I wish, therefore, to point out that that is not the case. The very fact, indeed, that it is necessary to move the postponement of the Preamble, and to take a vote upon it, shows that the House can proceed to consider the Bill as it stands, and your Lordships are aware that in our private legislation we invariably begin with the Preamble. It is true that in public business we usually postpone the Preamble, because in most cases that is the most convenient course; but it is perfectly competent for the House to begin with the consideration of the Preamble, and through the kindness of the noble Viscount (Viscount Eversley), who, having for so many years with great ability filled the Chair in the other House, is a high authority on the subject, I have been furnished with various precedents for considering the Preamble before the clauses. I will only mention that the latest of these, and the one most directly in point, is afforded by the proceedings of the House of Commons in June, 1855, with regard to a Scotch Education Bill. It was then by common consent agreed that the Preamble should be taken first, for the purpose of coming to a clearer understanding than had been arrived at on the second reading as to the principles to be adopted. Both the advocates and the opponents of a change in the Preamble agreed in the propriety of that course, and accordingly the Preamble was not postponed, but considered before the clauses, and, after discussion, an Amendment suggested in it was rejected by a large majority. That is a case strictly in point, and it is hardly possible to conceive a Bill in which it would be more conducive to the general convenience that we should begin with the Preamble than that which is now before us. The great object of the Bill, as I understand it, is to remove a long-standing source of discontent in Ireland by redressing the injustice and inequality, involved as I think, in supporting a Church Establishment for the exclusive benefit of a small minority of the population. I cordially agree in that object; but the Bill proposes to arrive at that result by entirely stripping the Protestant Church of every shilling which it now possesses, beyond what it is absolutely necessary to give it under the strictest construction of the requirements of vested interests. Beyond what is so given to vested interests, and which could not be withheld, not 1*s*. is given by the Bill as it stands for the maintenance of the Church when the existing interests expire. That is followed up by providing that the property thus taken from the Church shall be applied for the benefit of the people of Ireland, but with the proviso that it shall on no account be given for the maintenance of any clergy, or for any religious teaching. Now, that, in my opinion, is a mistaken and erroneous policy; but it is impossible to raise that great question of principle in the discussion of clauses, for we do not come till nearly the end of the Bill to the application of the surplus. It is only on the 68th clause that we shall be called upon to decide what is to be done with the property obtained by stripping the Church, and, in considering any Amendment which might be moved, the Committee would rather have its attention directed to any particular measure among a great variety which might be suggested for a different application of the money than to the principle which is at stake. Nor is that all. Before we come to the 68th clause there are a great variety of Amendments of which notice has been given—especially those to be moved by the most rev. Primate the Archbishop of Canterbury—our decision upon which ought, in my judgment, to depend upon the manner in which your Lordships deal with the subsequent question of the application of the surplus. It is, therefore, on all accounts convenient that before proceeding to the discussion of the separate clauses we should settle more clearly than we were able to do on the second reading the principle which we mean to adopt. Do we mean to adopt what is commonly called the voluntary principle, or do we mean to adopt the principle that it is fit and right that some public provision should be made for teaching religion to the people? These are the great principles at issue. Now, had my noble Friend (Earl Granville) consented to begin by the consideration of the Preamble, and that had been done by common agreement, as in the House of Commons in 1855, that question would have been raised in the most direct and convenient manner by my moving the omission of the words declaring that the property is not to be applied to the maintenance of any church, or clergy, or to the teaching of religion. Although, however, he is not prepared to accede to that course, it comes to very much the same thing, for as I ask your Lordships to begin with the Preamble for the mere purpose of moving this Amendment, you will, in deciding whether or not you will postpone the Preamble, be really deciding whether or not you are favourable to the Amendment. Having stated thus much with regard to the question of form, let me now call your attention to the grounds which I venture to contest the policy on which a great part of the Bill is founded, and which is expressed by the words in the Preamble to which I object, and my reasons for holding it to be inexpedient to lay down the rule that no public provision whatever shall be made for religious instruction. In my opinion the principle commonly known as the voluntary principle is, as a general system of policy, a mistaken one; and, I regard its application to Ireland, in the present circumstances of that country, as liable to special objection. With respect to the general principle of policy, that no provision whatever ought to be made for the teaching of religion to the people, I cannot refrain from observing that, of late years, we have heard much of an exultant tone of triumph on the part of the advocates of that principle, and a sort of contumelious assumption that they only are right, and that those who hold the opposite opinion are benighted adherents of exploded notions; but when I come to ask what there is to justify this assumption of superior wisdom on the part of these modern philosophers, I cannot help concluding that their bold assumption of the soundness of the principle they maintain rests upon an exceedingly slight foundation of general reasoning, and that their attempts to support it by appeals to experience have been signally unsuccessful. As far as I have been able to understand the arguments of those who contend against any public provision for religious instruction, they resolve themselves into these --They say that those who require religion ought to pay for it; that it is not just to make those who may be indifferent to, or who may disapprove the religious instruction which is afforded bear any share of the expense; that it is unfair for one denomination to be encouraged at the expense of the others; and that just as men can be left to provide for their other wants, so the demand for religious instruction will produce the supply. Now, I submit that in such arguments some material considerations are left quite out of sight. We all admit that Governments exist to promote the welfare of those who live under them, and that the great object of Governments is to promote, as far as possible, the happiness and welfare of those over whom they rule. Well, has religion, I ask, nothing to do with that welfare? I am not speaking of the benefit of religion to individuals, but I am speaking of it as a means of maintaining civil society. It is not only one of our greatest ecclesiastical writers, who has said in a well-known and eloquent passage that there is "a politic use in religion;" all statesmen and legislators, including those caring little for religion personally, have with one voice expressed the same opinion, and have declared that for the security of civil society, for the welfare of States, it is of the first importance that there should exist among men a general conviction that they are not subject only to human laws, which they may hope to evade or break with impunity, but to a law of higher authority, a law which they cannot hope to break with any chance of escaping a just retribution. That has been the opinion of all statesman and legislators; and I ask, then, whether the State has not a great interest in the diffusion of religion, and whether it is not just that a part of the general property under the control of the State should be applied to this purpose? We do not exempt a man who professes to be fond of filth from the payment of rates for the cleansing and sewerage of a town; and it is equally just that all men, whether they value religion for themselves or not, should concur in a system by which a part of the wealth under the control of the State is applied in instilling into the minds of the population a belief in God, a sense of religion, and a firm conviction of the existence of those Divine laws which they cannot break without danger to themselves. To provide the means of teaching religion, which is acknowledged to be the only sure foundation on which order and civil society can rest, is as legitimate an object for the employment of part of the wealth belonging to a State as any other purpose of general utility. As for the argument that it is unfair to one denomination of Christians to give it less encouragement than others, I could never see the force of it. I quite admit that no part of the population ought to be subject to any disabilities or any disadvantages on account of the religious opinions they may entertain; but how are men, who are allowed to seek religious instruction for themselves, wronged if, by some public provision, means are taken to supply instruction to the poor and indifferent, who would not seek such instruction for themselves? There is no injustice whatever in this, and it appears to me to be an argument not creditable to the true Christian feeling of those who use it that any Christian sect should say—"We would rather have the great mass of our fellow-subjects left in ignorance and indifference to all religions than they should be taught Christianity in a form which we do not entirely approve. Though we admit that the essentials of Christianity are the same in all sects, though we admit that the great moral law is reverenced equally by all, still we would rather that a number of our fellow-subjects should be left in ignorance of the most elementary truths of the existence of a God and of responsibility in a future state, than that they should be taught those great essentials of religion, accompanied with some speculative opinions in which we do not entirely concur." That argument is totally contrary to the true spirit of Christianity. But we are also told that there is no necessity for the State to interfere, since the want of some religious instruction is so deeply felt by mankind that you may trust to their supplying themselves with it, just as they attend to their physical wants. Now, that argument appears to me to be contradicted by all experience. There is no danger of men forgetting their physical wants. The danger is rather of their being too anxious for those things which are necessary to supply those wants, and to gratify their animal inclinations, and of their attempting to obtain those things by means which are not justifiable. But with regard to their spiritual wants the case is otherwise. We know that those who are in the greatest want of religious instruction are precisely those who are most ignorant that they want it. It is necessary, therefore, that some means should be taken to arouse them, and to call their attention to the perilous position in which they are placed by neglecting their spiritual welfare. When, moreover, the argument in favour of voluntaryism is attempted to be supported by a reference to experience its fallacy is still more obvious. The most rev. Primate (the Archbishop of Canterbury) demonstrated beyond all contradiction on a former evening that the manner in which the experience of Scotland had been quoted in support of that system was altogether fallacious; but what has made the greatest impression on my mind is the experience of that great Republic which is commonly brought forward as a triumphant proof of the success of the voluntary system.

Let us consider what the effect of leaving religion entirely to voluntary efforts has been in the United States. I have never visited that country, and cannot judge by experience of my own; but it is fairer and safer to judge by what we can learn from native than from foreign authorities, and it appears to me that if there could be any doubt of the advisability of having some means of religious instruction beyond that provided by the voluntary principle, that doubt would be removed by appealing to the experience of the United States, as its results are described to us by the Americans. Judging exclusively from what is to be gathered from American authorities, I do not doubt the great religious activity which exists in the United States, that there are many churches and many clergy; but I venture to say, that if you look carefully at the accounts given to us of the state of religious instruction in that country, you will find reason to conclude that it is chiefly provided for the rich and for those who are anxious for it, while the poor and the indifferent are to a great extent neglected. Your Lordships have probably seen from time to time in American newspapers, accounts of a singular proceeding which annually occurs in a place of worship in one of the principal cities of the United States. The seats in that church are put up to competition, and are bought for prices, I believe, as high as people pay in this country for opera boxes. Now, it is not exactly in accordance with our notions of religion that the services of the greatest preachers in that country should be devoted in this manner to those who can afford to pay most for them. I may also refer to the exclusive and unchristian practice of not admitting coloured men to seats in their best chapels, and I was very much struck by the argument offered by an American, who gave as a reason for being so exclusive that coloured persons were excluded from clubs in England. That is not exactly my notion of the way in which the word of God should be taught to the people. I think that a system under which there are chapels where the select and wealthy classes exclusively enjoy the advantage of the instructions of a most able and eloquent divine is not to be preferred to ours, where we see the special services in St. Paul's and Westminster Abbey attended by a vast crowd, as large as those buildings will contain, and where, without payment or favour to any, all who desire it can receive the instruction of the most eminent preachers of the day. I prefer a system by which in every parish in the land there is a person whose special duty it is to search out the indifferent and careless, and to urge them, as they value their future happiness, to receive religious instruction—a system by which instruction is freely offered to the parishioners, to one by which instruction is only given to those who pay for it. I may be told, indeed, that I am describing a state of things which does not exist, and that free instruction is not provided in every parish for all the parishioners. But why is that the case? Simply because our system of endowment is not in proportion to the growing wants of our population; not because the system is wrong, but because it is incomplete. The theory of our system is right, and though, unfortunately it is not carried into complete operation, that theory and system are, to my mind, infinitely to be preferred to those of the United States. Moreover, the inadequacy of the instruction provided under the voluntary system is not its worst element. My Lords, it is impossible to read the accounts which appear in American newspapers of the manner in which public worship is conducted in that country without being struck by the fact that the entire dependence of the clergy on their flocks has had an injurious effect in various ways. I could easily give quotations in proof of this, but I am anxious to spare your Lordships' time, and, therefore, instead of reading extracts from books and newspapers, I will only mention the substance of what may be learned from them. We are told that the natural effect of the system of competition by which the clergy are paid is that the services of the

*Earl Grey*

Church are made as attractive as possible to the congregation, and it is notorious that the pulpits of America are degraded to the purposes of party warfare in a manner to which, even in times of the greatest excitement, we are happily strangers in this country. Week by week, in the pulpits of the United States, political harangues are delivered under the guise of sermons, and, what is still worse, the clergy shrink from denouncing, as they ought, with the independence and severity which they ought, those sins to which the people are most prone. There is one remarkable instance of that, which is so undoubted, that I cannot refrain from calling your Lordships' attention to it. I refer to the conduct of all the Churches in America, with hardly an exception, with regard to slavery previous to the outbreak of the great civil war. I challenge anyone to contradict me when I say that for some years previous to that outbreak nearly all the Churches avoided expressing that opinion on the subject of slavery which, as Christians, it was their duty to declare. My Lords, slavery is a state of things so clearly and palpably contrary to all the precepts of Christianity that, in my opinion, it is utterly impossible to find any excuse or palliation for those Churches which have tampered with so great a sin; yet we know that many Churches in America deliberately and elaborately defended slavery, with its worst abominations, as it existed in America, and that those which did not defend abstained from condemning it as they ought. And, my Lords, this was by no means confined to the South, where slavery actually existed, but it extended to a great extent through the North, where the profitable trade carried on with the South by merchants and manufacturers, through the continuance of slavery, made them unwilling that the system should be abolished. Whether, therefore, you look to general reasoning or to experience, you have a right to conclude that it is for the general good of a nation that there should exist some provision for the teaching of religion to the people, so that its ministers may not be left entirely dependent on their flock; and if that is true as a general system of policy, it is more especially true with regard to Ireland. The withdrawal from Ireland of that public provision for the teaching of religion which has hitherto existed would be attended with very unfortunate results.

In the late debate I called attention to some of these results, which I need not recapitulate. I shall only say that I endeavoured to show that if you were entirely to withdraw from the Established Church the means which she now possesses, the probable effect would be that, in the course of a few years, when the present incumbents had died out, the scattered Protestant population of Ireland would be reduced to this position—they would be unable to obtain any religious ministrations, and would have to choose between dispensing with such ministrations altogether, conforming to the Roman Catholic religion, or emigrating, any one of which would be a grave misfortune for Ireland. This is what would be most likely to happen; but I am willing to admit the possibility that, by subscriptions in this country means would be found of continuing, to a great degree, the religious instruction of the Protestants of the South and West of Ireland. But supposing this to be accomplished, it would by no means remove the objections to which I have been referring,—leaving the Protestant Church entirely destitute of any endowment—because your Lordships must remember that, in order to obtain those subscriptions which would be its only resource, it would be absolutely necessary that means should be taken to keep up a high degree of religious excitement. This would be done by addressing the controversial passions and feelings of the Protestants as against the Roman Catholics, and I do not think that that would be for the benefit of the people of Ireland. Already a very large sum has been subscribed for the purpose of carrying on Protestant missions in the West of Ireland, and I do not hesitate to say that, strongly as I adhere to the Protestant religion, I deeply regret that this should have been done. I cannot but deplore, with the late Rev. Mr. Robertson, of Brighton, in a very beautiful sermon, the existence of "these fierce associations which think only of uprooting error," for, as he remarks—

> "There is a spirit in them which is more of earth than Heaven, short-sighted, too, and self-destructive. They do not make converts to Christ, but only controversiality and adherents to a party. They compass sea and land. It matters little whether fierce Romanism or fierce Protestantism wins the day, but it does matter whe-

ther or not in the conflict we lose some precious Christian truth as well as the very spirit of Christianity."

I am persuaded that to extend this system—that to encourage in this country the collection of subscriptions for this purpose—and that to make the supply of religious instruction to the scattered Protestant population of the South and West of Ireland depend on the keeping up of a state of religious excitement both in England and Ireland, would be disadvantageous alike to Roman Catholics and Protestants, and, above all, to Christianity. I am, therefore, firmly of opinion that, when proceeding to remove the real grievance of the Irish people—the maintenance of a wealthy Church Establishment for the exclusive benefit of a small minority of the population—we should not go further and entirely deprive that Church of all its means for the teaching of religion in the future. I say this because, with the exception of a paltry sum of £6,000 a year from private endowments, nothing whatever is left by the Bill for the maintenance of the Church when the present incumbents die out. [The Marquess of SALISBURY: Hear!] To that I entirely object. For more than forty years I have been an ardent advocate of reforming the present state of things in connection with the Established Church of Ireland. I said what I am now saying, when those who are now foremost in leading the attack upon the Church, and are crying—"Down with it, down with it; let not a stone be left," were foremost in the fight for maintaining all its abuses and inequalities. I said so then; I say so now. But I have always been for reform, and not for destruction.

My Lords, with that feeling I, for one, shall be prepared to support in Committee Amendments which may be proposed with the view of preserving to the Church, after its connection with the State has ceased, some fair and moderate provision for the continuance of its religious teaching. With that view I shall support, if they are moved, the Amendments of the most rev. Primate (the Archbishop of Canterbury); but I would suggest for his consideration that it is doubtful whether these provisions go quite far enough, and whether they could not be made to assume a more convenient form. I doubt whether if all the Amendments of the most rev. Primate were carried we shall leave to the Church necessary means for continued usefulness, and I see much danger in those Amendments. I confess to a dislike for the provisions of the Bill—and I shall not dislike them less after the Amendments of the most rev. Primate are carried—which declare that all private endowments shall remain belonging to the Church. When I consider the difficulty of determining what are private endowments, especially if we are to look back not only 200, but 300 years—when I consider that extreme difficulty and the probability of much litigation through appeals to the Court of Chancery provided for by the Bill, I cannot help fearing that these provisions may in the end turn out to be more profitable to the legal profession than to the Church. I would suggest to the most rev. Primate whether, in the clauses relating to private endowments, it would not be better to provide that out of the surplus which it is supposed will remain to the Church, after paying vested interests, a certain sum should be set aside to cover all these private endowments. Whether this be done or not, however, I trust your Lordships will insist before this Bill leaves the House that it shall contain some provision for the Church, so that it shall not be left in a state of absolute destitution when it ceases to be established. And, my Lords, what I say for the Established Church I say also for the Presbyterian; nay more, I say when I look at the small grant known as the *Regium Donum*, and think of the good it has done, and the great benefit Ireland has derived from the instruction of the Presbyterian Church, which, without the continuance of this wise system, could hardly be expected to be maintained, I, for one, altogether deny the policy or expediency of the provisions in this Bill, which go to destroy the system of the *Regium Donum*. To use the language of the right rev. Prelate (the Bishop of Peterborough) in his able speech the other night, I regard this as a truly shabby proceeding. But if we are to take this course—if we are to show our disinterested regard for religious equality in Ireland by putting into our own pockets what we have hitherto paid under the name of the *Regium Donum* for the Presbyterians, then I say out of the property of the Church we must in some way or other make provision for the Presbyterians as well as for the Church of England.

My Lords, I hold it to be, as I have said, absolutely necessary for the good working of this measure, that we should provide in some manner for the continuance of the Protestant Churches; but let me add, I advocate this upon one condition. I could not be a party to making an increased grant to the Protestant Churches unless the same principle is extended to the Roman Catholics. My Lords, if you shut out the Roman Catholics you will neutralize all the good you may expect your Act to produce. You would do more than this. The Roman Catholics, under the present state of things, acquiesce from custom in what has long prevailed, and offer slight remonstrance against the injustice which they feel is done them by keeping up the rich Protestant Establishment, and paying the Presbyterians out of the Parliamentary grant. But if we begin afresh in this course; if we re-enact this injustice; if we, on abolishing the existing state of things, once more revert to the unjust principle of exclusion; if in putting an end to the Establishment of the Protestant Church we make some permanent provision for both the great Protestant Churches, and altogether exclude the Roman Catholics from any similar advantage, I believe the sense of injustice will be far greater than it is now. Therefore, greatly as I should lament to see the Bill pass in its present shape, still I believe it would do less injury if passed unamended than if we were to amend it in the narrow spirit I have been deprecating. However, I believe it will be quite impossible for your Lordships to do so. I cannot for a moment believe that the other House of Parliament will consent to such one-sided Amendments as would endow the Protestants and do nothing for the Catholics. They would say, and say with truth—"You have destroyed the whole utility of the Bill," and proceeding to deal with the Amendments, I am persuaded they would reject them. And what is more, I say they ought, under such circumstances, to reject them. I insist, therefore, that if we are to make provision for the Protestant Churches, we must not neglect the Roman Catholics. But quite independent of this consideration, quite independent of the desire to secure some better permanent provision for the Protestant Churches—I consider it to be of the highest degree of importance that something should be given to the Roman Catholic Church. It is stated in the Preamble that "the property of the said Church of Ireland, or the proceeds thereof, should be held and applied for the advantage of the Irish people." That, I believe, is a sound and just principle; but if it be adopted, we must consider how the property may be best applied to the advantage of the Irish people; and if you consider the question in this light you cannot help giving something to the Catholics. You ought, I maintain, to afford to the poor people of Ireland some assistance towards the maintenance of their Church. My Lords, I am told by those who have carefully inquired into the matter that the maintenance of their clergy at this time forms one of the heaviest burdens of the people of Ireland. I am told that the payments which they are expected to make amount, in the case of even a poor person, to no less than 1½ per cent of his earnings, and this deduction has to be made from the miserable pittance which he is able to obtain for his own maintenance. With regard to some of the more wealthy, a case was mentioned to me in which the payment made by a farmer to the Church amounted to no less than 5 per cent upon the profit which he got from his farm. It would, therefore, be a great assistance to the poor of Ireland to give something towards the support of their clergy. How it should be done is another question.

In the Amendments placed upon your Lordships' table a plan is suggested of providing for building parsonage houses and purchasing small glebes for the Roman Catholic clergy of Ireland out of the proceeds of the Church property. My Lords, I entirely agree with that proposition. I believe it would confer, at a moderate expense, and in a manner most free from objection, the greatest benefit upon the Roman Catholic clergy and people. Considering the self-denying habits of the clergy, and how little is necessary for their maintenance, a small plot of land on which they can feed a cow and grow potatoes will be a most valuable addition to their incomes. But this is only one out of several modes of granting assistance to the Roman Catholic Church which have been suggested, it will be a question of great importance and some difficulty which of these modes should be preferred, and this is not the right time for considering it; but I venture to put it to your Lordships that it is our duty not to let this Bill pass without including in it some provision for the clergy of the Roman Catholic Church, and also for the clergy of the Protestant Churches in Ireland. I am persuaded that this is a policy which would be best for the future peace and welfare of Ireland; but let me point out that it is hardly less important with reference to British interests. Some of the noble Lords who have taken part in this debate have treated with scorn the notion that the passing of this Bill would bring danger to our own English Church. They have said, and said truly, that there is a difference between the positions of the two Churches; but while I fully recognize that difference, and I concur in the opinion that it would be possible to alter the existing arrangements in Ireland without inflicting any injury upon our own Church, I deny that this would be true of the measure proposed to us. I submit to your Lordships that the Bill, as it now stands, would carry with it an element of serious danger to the English Church.

Let me remind your Lordships of the able argument adduced on a former evening by a right rev. Prelate (the Bishop of Peterborough), who showed, in a manner which to my mind was conclusive, that while the Bill professes to establish religious equality it fails to do so. He told you that while you professed by this Bill to accomplish the object of relieving the Roman Catholics of Ireland from the grievances under which they had hitherto laboured, you fail, and for this reason — in England the religion of the majority is provided for by the State; in Scotland there is a provision for the religion of the majority; but in Ireland, where the majority is Roman Catholic, there is no such provision for the clergy. The right rev. Prelate further said, and said with truth, that this Bill would not be long in operation before the Roman Catholics of Ireland would urge, with irresistible force, the doctrine that what was good for Ireland was good for England, and that if in Ireland the majority was Roman Catholic and nothing was given to them in aid of religious instruction, the same rule ought to be applied to England, where the majority is Protestant, and, indeed, the Bill would leave the Irish Roman Catholics under the same stigma of inequality as they had been placed in hitherto. That argument is to my mind irresistible. When I consider what the state of things at present is—when I consider how certain it is that an attack is about to be directed upon our own Church in England, when I look at the declarations of the Liberation Society and of Mr. Miall as to the objects they have in view — I confess it does appear to me to be a suicidal policy to put into their hands the fatal advantage of being able to appeal to a Parliamentary declaration in favour of the voluntary principle, and at the same time to assure them for their allies the majority of the Irish population, the Catholics and the Presbyterian Protestants, who will be all alike left destitute, who will regard the Bill as an unmitigated evil, and will have the strongest temptation to join in dealing out to us the measure we have dealt out to them. They will join with the voluntary party in enforcing upon England the rule we have enforced upon Ireland. This danger is, to my mind, the more serious, because I cannot forget that a person of great power and influence in this country—no less a person than the present Prime Minister —in a very remarkable pamphlet which he published not long ago, entitled *A Chapter of Autobiography*, has laid down principles and stated arguments which, if followed out to their natural and logical conclusion, necessarily would lead to an attack upon the Established Church in this country, and to the establishment of the voluntary principle here as well as in Ireland. When I consider how rapidly that right hon. Gentleman's political and religious education has gone on, and that it is but a few years since he entertained very different views upon this subject, I can hardly doubt that, if we pass this Bill in its present shape, before many years have gone by—probably before many months have gone by — we shall see that right hon. Gentleman at the head of the same combined force which he now leads, in which Catholics are united with anti-Catholics, pupils of Cardinal Cullen and Archbishop Manning, with followers of Mr. Miall, and of the Liberation Society, and he will, at the head of that somewhat motley party, conduct an assault upon our Church similar to that he has made on the Irish Church. This is why I cannot assent to the passing of this Bill in the form in which it gives these advantages to our opponents. Look, my Lords, how different the case will be if you consent to amend this Bill in the manner which I venture to suggest; if you strike out of the Preamble those obnoxious words, and then introduce clauses and provisions which give something to all the three great religious communities in Ireland. If you do that, how totally reversed our position will be. Instead of having a solemn Parliamentary affirmation of the voluntary principle, you will have furnished a Parliamentary declaration that it is right a portion of the public wealth should continue to be employed in the teaching of religion. Instead of having opposed to you, with the voluntary party, the whole of the Irish population, you will, in all probability, have a great part of that population interested in maintaining the principle that is opposed to the voluntary one; and you will have them for allies instead of opponents. I ask you whether that will not make a material difference?

Upon these grounds I venture to press upon you, not only for the interests of Ireland, but also for those of England and Scotland, that we should amend this Bill in the manner I have pointed out. I am sanguine enough to believe that a majority of your Lordships concur in the opinion I have expressed as to what would really be the best mode of dealing with this question. Those of your Lordships who watched the course of the late debate must have been struck by this circumstance—that there was hardly any noble Lord who spoke, whether against the Bill or for it, who did not either directly assert or indirectly imply this opinion—that the Bill would have been better if it had made some provision for the various Churches in Ireland. That opinion was generally implied by noble Lords, not excluding some of my noble Friends on the front Bench opposite. Unhappily, that opinion was coupled with another, that, while undoubtedly it would be better to do something of this kind, it was impracticable. I venture, however, to submit that if your Lordships are satisfied that a different arrangement from that proposed by the Government would be essentially better for the public interests and the public welfare, it is your duty not too hastily to assume that that better arrangement is impossible. No step has yet been taken to prove that it is impracticable, and I do hope that if we are now to refuse this policy of giving something to the different religious bodies in Ireland, its impracticability will be more completely shown. As far as I can infer from some obscure hints in the speeches of noble Lords, I believe that it has been considered impracticable, because it is assumed that the Roman Catholics of Ireland would not accept anything from the property of the Church; that the Protestants of Ireland would not approve of the offer being made; and, lastly, that the people of England and Scotland are so decidedly opposed to such a policy that it would be impossible to carry it out. I venture to question all those assumptions. I do not believe they are any of them true. I am quite aware that the Roman Catholics have declared that they would not accept stipends for their clergy from the State. Formerly they would gladly have done so. When the House of Commons, in the year 1825, resolved that such a provision should be made, the Roman Catholic prelates and laity were prepared to acquiesce in the arrangement, as part of the plan of emancipation then proposed. Unfortunately, that arrangement was defeated by the rejection of the Emancipation Bill by this House, and for many years past the feeling of the Roman Catholics of Ireland has been decidedly against accepting any stipend. But though it is quite certain that they would not consent to their clergy becoming stipendiaries, it is equally certain that, as yet at least, neither the Catholic Prelates nor the laity have expressed any such opinion against accepting houses and glebes. And I would say further, that if we were certain that the offer would be declined, it would be no less our duty to make it, because the fact of our distinctly placing these glebes and houses within reach of the Roman Catholics would remove any difficulty which there might be in the way of making provision for our own clergy. The Roman Catholics have a perfect right to say—"There must be equality between the two religions;" but they have no right to say that that equality is to be arrived at by reducing both to a common destitution. If they refuse to accept a boon which will not in the slightest degree affect the independence of their Church, they have no right to object to our making a similar offer to the clergy of the Established Church. I know it is true that many of the Prelates, the clergy, and the laymen of the Church in Ireland object to any such arrangement. I know that the feeling against it is very strong in the North of Ireland; but even on this point I know that there is great division of opinion. There are still many persons among the Protestants of the North of Ireland who believe that some provision for all the Churches would be the most desirable and the fairest way of arriving at a settlement of this great question. That I believe to be a growing feeling; and I am persuaded that, after the heat and excitement of the conflict have subsided, the bulk of the Protestants will be far better contented if they find some moderate provision made for their own religious instruction, even though a similar provision should be made for the Roman Catholics also, than they will be if they should be left, as this Bill proposes to leave them, in a state of entire religious destitution. I am so confident of the opinion of the people of Ireland upon this point, that I would willingly leave it to their decision. I am sure that their votes would be in favour of giving something to all the Churches, instead of leaving them all destitute. But then, my Lords, we are told that it is impossible to do this—that the feeling of the people of England is too strongly against such a proposal to hope that it would be successful. I would venture to answer the objections of those who make use of this argument by quoting the words of a very high authority—the words of Mr. Bright himself—

> "The Nonconformist people of England and Scotland should bear in mind that the whole of this property which is now in the possession of the Established Church of Ireland is Irish property. It does not belong to Scotland or to England; and it would be a measure intolerable and not to be thought of that it should be touched or dealt with in any manner that is not in accordance with the feelings, and the interests of the people of Ireland."—[3 *Hansard*, cxc. 1661.]

Now, I say it would be indeed intolerable, and not to be thought of, that an arrangement which has for many years been advocated by the most enlightened friends of Ireland—which at this moment the vast majority of your Lordships know in your hearts to be best calculated to bring back religious peace to that country—that such an arrangement should be rejected because a portion of the people of England and Scotland choose to say — "We will not endow error," as they are pleased to call the religion held by their fellow-subjects in Ireland. This argument is used by men who clamorously demand a Bill which is confessedly a measure of revolutionary violence, because they say it is necessary to establish the great principle of religious equality. But I would ask what respect for the rights of conscience is shown by these men, who are not ashamed to denounce as idolatry a religion which is held by three-fourths of their Irish fellow-subjects and by a majority of the Christians throughout the world? For it must not be forgotten that the Roman Catholics acknowledge the same code of morality and the same first principles of Christianity as we do. I am no less firm in my adherence to Protestantism than any of your Lordships, but I condemn those who denounce the Roman Catholic religion as idolatry, not because I agree with the Roman Catholics, but because I hold that they have as good a right to their opinions as we have to ours. I say that if you desire to adopt any other principle as the basis of your legislation you ought never to have repealed the Penal Laws. It is utterly impossible that the representatives of Ireland and England can sit in the same Parliament, and work together harmoniously in passing laws for the common good, if you are in legislating to act upon the assumption that the Roman Catholic religion is false and idolatrous. I say it is now too late to adopt that principle. You have for years recognized and encouraged the Roman Catholic Church in Canada and the colonies; you have for years provided out of the funds of the British Treasury for the appointment of Roman Catholic chaplains in the Army, the Navy, the prisons, and the workhouses, and it is now too late to say that, in dealing with this great question of the Irish Church, you must act upon the assumption that the Roman Catholic religion is false and idolatrous, and that it would be wrong for you in any way to connive at its support.

My Lords, I venture to say that, after all, the truth has never yet been put before the country. The constituencies have never had it put before them to decide whether it is just or not, in dealing with Irish property, to consult the feelings of the Irish people. That is a plain question; but neither party has had the moral courage to put it to the constituencies. On the contrary, both sides have imputed to each other as a crime the intention to make some concession to the Irish Roman Catholics. Last year, with a view to the approaching election, it seemed to be a contest between the two parties which should go furthest in imputing to its opponents and in disclaiming for itself a disposition to do justice to the Roman Catholics. Each party sought to affix as an indelible reproach on the other the contemplation of such a thing. I am persuaded that if a more honest course were adopted—if it were put before the people of England that justice to Ireland and the true interests of the Empire required that the question should be settled in this way—the answer to that appeal would be a satisfactory one. And, my Lords, I have so much reliance on their sense of justice and on the inherent force of truth that I feel convinced that if we legislate upon the principle I am advocating the people will ratify our legislation. In conclusion, my Lords, I have only to say that by adopting my Amendment you will merely declare that your Lordships do not concur in the propriety of laying down as a principle that no part of the surplus funds of the Irish Church ought to be applied to religious purposes. I have thought it my duty in moving my Amendment to state how, in my opinion, that surplus ought to be dealt with; but, if you adopt my Amendment, it will not follow as a consequence that you concur in my opinion as to the particular mode of disposal. The only thing you will decide, in adopting my Amendment is that you do not think it right to declare that the whole of the surplus property of the Irish Church, after meeting the demands for vested interests, should be employed for secular purposes, and not for the higher object of religious instruction. The only decision you would give would be that it is desirable the property which has hitherto been given for the great object of promoting the religious instruction of the Irish people should still, though by other modes, be applied to that object.

Amendment *moved* to negative the Motion for postponing the Preamble.—(*The Earl Grey.*)

EARL GRANVILLE: My Lords, your Lordships may be aware that I labour under a difficulty as to the conduct of your Lordships' business in this matter. I am painfully sensible of the fact that Her Majesty's Government do not command a majority; but, even if they did, I should still be desirous to take that line which, in form and manner, would be most convenient for the greatest number of your Lordships. But, my Lords, as far as I have been able to gather, the course which the noble Earl on the cross-Benches (Earl Grey) proposes we should take is not felt to be the most convenient for your Lordships. My noble Friend has had an opportunity, before your Lordships are fatigued by a discussion of clauses, to repeat arguments which you have often heard from him on a question in which he takes a great interest. I think, however, that if there was doubt in your Lordships' minds before the noble Earl commenced, the speech he has just delivered is not very much calculated to make any change in your Lordships' impressions on the subject. I put aside the question of imputing unfairness in their motives to both sides of the House; but I think the arguments used by my noble Friend in support of his Amendment were not such as to induce many of your Lordships to support him in this political conjuncture. I know that many of your Lordships have strong opinions on the subject of the Amendment of which my noble Friend the noble Duke on the cross-Benches (the Duke of Cleveland) has given notice; but I believe that there are noble Lords who would support that Amendment, but who will not be inclined to follow the noble Earl in the course he proposes to take. On the part of her Majesty's Government I must enter my strongest protest against the description which the noble Earl has given of the Bill, and I must add that the line he has taken, after the manner of the ancient astrologers, in casting the horoscope of the present Prime Minister is not very well calculated to enlist us in support of his proposition. The noble Earl at considerable length went into the question of concurrent endowment of the different creeds in Ireland. I shall not shrink from stating the reasons which make it impossible that Her Majesty's Government can agree with my noble Friend in that principle. When I do so I will use simple and plain arguments, which I think will be considered intelligible even by those who do not agree with us. I will not make use of arguments such as some of those employed by my noble Friend, and which seemed to have been put up merely for the purpose of being knocked down again. I think your Lordships will agree with me that if there be any mode of clearing our proceedings with reference to this Bill it would be desirable to adopt it. Your Lordships dealt with the Bill as a whole on the second reading; but on looking through the Amendments, and taking them in the aggregate, I think that they not only go to every part of the Bill—to all its provisions—but also to its principle. Now, with regard to these endowments, I saw it stated in a paper the other day that the deductions from the surplus fund which would be made if all the Amendments were adopted would amount to something like £4,000,000. Since then I have had the curiosity to go through the Amendments, for the purpose of ascertaining the actual amount. I find that the deductions proposed by the noble and learned Lord opposite (Lord Cairns) would amount to £400,000; those of the noble Marquess (the Marquess of Salisbury) to £352,000; those of the noble Earl who spoke the other night (the Earl of Limerick) to £500,000—making £1,252,000. Then, coming to the Episcopal Bench, the proposition of the right rev. Prelate (the Bishop of Peterborough) would take £830,000; that of the most rev. Primate near me (the Archbishop of Dublin) £600,000; that of the most rev. Primate (the Archbishop of Canterbury) £930,000; and that of the most rev. Prelate who presides over the Northern Province (the Archbishop of York) £1,375,000. With what we propose these deductions would absorb £13,000,000 out of the £16,000,000 which constitute the entire of the funds of the Irish Church. We then come to concurrent endowment. The noble and learned Lord behind me (Lord Westbury) proposes to take) £3,000,000, which just disposes of the entire of the surplus; but my noble Friend at the table (Earl Russell) proposes to take £4,500,000. If his alternative plan should be adopted, when my noble Friend opposite (the Earl of Shaftesbury) comes to propose his loans for the Irish peasantry he will find a deficit of £1,500,000. [*A laugh.*] Well, there seems to be a difficulty here, and I do not think the proposition of the noble Earl on the cross-Benches (Earl Grey) will help us out of it. I hope we shall learn in the course of the debate the Amendments that will be supported, to give to the House, and through the House to the country, some guide respecting our proceedings and the probable result. I agree with the noble Earl that it is quite in our power, though it is not the practice, to at once deal with the Preamble; but I do not think we ought to do so, unless it is shown to us that there would be a manifest advantage in our doing so. I must say that I do not think the case of Private Bills, in respect of which the object is to save money to the promoters, is one which should influence us when we are dealing with a great Bill, such as the one now before your Lordships. The noble Earl says it is very desirable to know what principle we are to go on, and he says that if we have before us the question whether concurrent endowment shall or shall not be adopted, that will make everything intelligible. It is all very well for the noble Earl to tell us so; but if I recollect rightly, that portion of the Preamble was as much opposed by noble Lords who object to concurrent endowment as by those who strongly support it. A division, therefore, upon that point would not advance us in any degree in ascertaining what the feelings of your Lordships were for or against concurrent endowment; and besides, there is this great disadvantage of which your Lordships will, I think be sensible. It was urged by noble and learned Lords that we should be very careful as to the mode of our proceedings. And I can conceive nothing less conciliatory towards the House of Commons, than at the very outset, to destroy one of the principles of the Bill, instead of discussing the merits of particular Amendments when we come to them. I do not think it necessary to say more to show my objection to the course proposed, and to express what I think is the feeling of the House. I hope my noble Friend will consent to withdraw his Amendment.

THE BISHOP OF OXFORD: I think your Lordships' House and the country are very much indebted to the noble Earl (Earl Grey) for the speech which he has made. The noble Earl thinks for himself; he has the gift of expressing his thoughts in vigorous English language; and he has the courage to say what he thinks and what he desires to say. I think, therefore, that we owe him a great debt for having brought before this House, and through this House before the country, one most important view of that great question which is now before us. I cannot say that I agree with the noble Earl in thinking that it will be convenient to divide upon the issue that he has raised. I earnestly trust the noble Earl will listen to what has fallen from the noble Earl (Earl Granville) behind me; and while he perceives that, in bringing before the House and the country, at so early a stage of the Committee's deliberations, this great and important proposition, he has gained the only point which he can now attain, he will likewise see that in forcing a division he will really make his own defeat almost certain, and will not truly ascertain the opinions of your Lordships. Upon the great issue, however, which your Lordships care most about, I would ask permission to say a few words. If you consider that the question of the disestablishment of the Irish branch of the United Church is not settled, then, I should say, there is a fundamental objection *in limine* to any proposal for dividing its property with other religious bodies. But I agree with what was said in such eloquent language by the right rev. Prelate (the Bishop of Peterborough) the other night, that the decision of the country upon that point has been taken, and is irreversible. But, admitting the right rev. Prelate's propositions, I come to a different conclusion as regards my vote. When your Lordships were kind enough to allow me to urge my view with regard to the Suspensory Bill, I endeavoured to impress upon the House that the issue then to be decided and to be sent for that purpose to the constituencies was nothing less, and could be taken for nothing less, than whether we should maintain an Established Church in Ireland or not. I then urged every objection that occurred to my mind against such a course, and I retain every objection which I then urged. I believe that the disestablishment of the Irish Church will not tend to appease Irish discontent; but instead of doing so will give to Irish opposition to the Union with Great Britain the increased violence which comes from a taste of success without the satisfaction of the appetite. But the question of disestablishment, according to my humble view, is a settled question. I maintain that it was the question which was referred to the constituencies; it was to it that the answer of the constituencies was returned; it was so far confirmed by the resignation of the late Government; it received additional sanction by the appointment of the present Government; and, therefore, in point of fact—let us who dislike the conclusion deny it as we may—it is a settled matter. Holding that opinion, I wished very much to have it stated upon the second reading of the Bill. It may be known to many of your Lordships that it was my intention to do so; but the accidents of debate shut me out from the opportunity of making this statement, and, therefore, I held myself incapacitated, as a Bishop of the Church of England, from giving the vote I should otherwise have given, no opportunity of stating the grounds on which I did so having presented itself. Holding disestablishment, then, to be a settled point, one great difficulty is removed out of the way of considering the main proposition of the noble Earl. And what is the difficulty which remains? There was one argument upon which the noble Earl touched, but it did not seem to me a very convincing argument—the disinclination of many very good, very wise, and very resolute and determined men to yield assent to any manner of endowment of what they consider erroneous doctrine. Is that a sufficient answer? I ask your Lordships to consider what appears to me to be the fundamental difference between an established religion and that which is merely endowed. I hold that establishment consists in its essence, not in the payment of the clergy, higher or lower, but in the recognized form of teaching which the State has assumed to be its representative in the religious instructions of the people. Then I say, while a Christian country could not consent, without the deepest guilt, to establish any erroneous form of teaching, and could not consent to let itself be represented as a teacher of religion by anything which it did not in itself believe to be the teaching of the true religion, because it would otherwise be making its own representative in religious teaching one whom it denied to be a true religious teacher, the consideration whether we ought to give to different religious teachers sums of money, even from the State funds, stands upon wholly a different footing. We are all perfectly familiar with the fact that in our great Eastern dominions the State administers funds belonging to heathen chapels. And the State does right, for Christianity does not call upon you to commit injustice to a man because he is a heathen. It would be the greatest weakness if we made these men official exponents of religious teaching, if we authoritatively instructed the people in their own falsehoods. But it is not mixing ourselves up with falsehood if we let them have that to which the rules of justice entitle them, although these may entitle them to teachers who shall instruct them falsely. And then apply this rule to your Roman Catholic brethren in Ireland. There is no Member in this House who feels in his own religious convictions a deeper sense of the evils of that part of the teaching of the Roman Catholic Church which differs from the teaching of our own Church; but, still I say this —that teaching is, in its main element, the teaching of our common Christianity; and if our Roman Catholic brethren will not be taught in the purer form, that I, for one, should desire, but will only receive it in the form that they themselves choose to accept, then, I say, the second great objection to dealing with this question as proposed by the noble Earl seems to have no real basis. But, is there not, on the other hand, a great deal to recommend it? If disestablishment is settled, as I believe it to be, then I think it follows that it is impossible for us to give the whole of what now belongs to the Established sister Church to the disestablished Church. And while I differ greatly from this Bill, as to the amount which I should wish to see given to that Church, while I agree that the amount proposed is altogether beneath her just claims, and while I assert that every principle of right ought to lead us to be more generous to her, I cannot forget those words of Lord Bacon, in which he says—"They have deprived Christ's wife of a great part of her sustenance; it were reason, then, they made her a competent dowry." I think that principle applies eminently in this case. Even if the case were one of a common separation of those who have been united in marriage, you never suffer the husband to send his wife away and not to consider what is a just return for the past sodality, or without providing for her as a wife differently from what he would do for one who had no claim upon him. I maintain that upon every principle, not upon liberality alone, but even of right, there should be a larger allowance by far than is given to the sister Church. But you cannot, I think, assert that disestablishment has been agreed upon, and at the same time give to the sister Church the whole of her present endowments; there must be more or less a residue, and the question is, how this is to be disposed of. A great deal, undoubtedly, is to be said in favour of such a scheme as that put forward by the noble Earl in opposition to a mere scheme of secularization. We have heard a good deal about sacrilege; but I cannot help agreeing with my right rev. Brother that there has been a good deal of mystification. We have heard much about St. Ambrose, and probably those of your Lordships who do not profess to be adepts in this class of studies may have thought they were passing through a dose of the Fathers. But the question does not turn as it seems to me altogether on the authority of St. Ambrose. A greater than St. Ambrose has said—"I will have mercy and not sacrifice." A greater than St. Ambrose justified David and his companions, when, in their dire necessity, they ate the shew bread which it was not lawful for any man to eat but for the priest alone. I think, therefore, that if nothing more is meant than that this law of mercy in its highest exercise may justify the State in taking from the direct endowments of religion for other merciful works, that which has been set apart for the direct service of religion, it is what every one of us must admit, and it is what Hooker has laid down, when in the abundance of his argumentation he pointed out in what the great sin of sacrilege consisted. But if we go beyond that, and say that there is no such thing as sacrilege, no such thing as the giving of goods to God—that it is nothing more or holier than any ordinary act of charity—that money given to the poor is really given to God—that there is no such thing as sacrilege, from all that I entirely differ. I would remind your Lordships how Hooker goes on to show that they are great introducers of sacrilege who, by means of gentle palliatives, lead men unawares to commit it; and I am afraid that those who have listened to nothing but our late debates may be led to imitate rather Belshazzar in his treatment of the golden vessels of the Temple than St. Ambrose. Take from the present Established Church in Ireland a portion of its property, and, instead of applying it to secular apply it directly to religious uses; give, as has been suggested, manses and glebes to those who minister, not according to our rites, but who are our fellow-Christians in Ireland, and I believe you will be adopting a far safer course to keep this country aloof from the dangers of sacrilege than if you were to devote to entirely different purposes that which has hitherto been set apart for the worship of God. I feel indeed that the deaf, and the idiot, and the blind stand in the forefront, and seem to ask of us some part of this surplus; but at their back are the owners of the broad acres of Ireland, whose duty it now is to minister to their necessities, and who—if the funds of the disestablished Church are appropriated to spiritual purposes — would still have to put their hands into their own deep pockets towards their support. I cannot help thinking, therefore, that the proposition made by the noble Earl to-night is well worthy of the consideration of this House—worthy of being discussed to the uttermost — and that you should not decide what your own course about it will be without having weighed thoroughly all that is to be said on the matter. And that makes me the more anxious that the noble Earl should not hasten to a division upon it; but that time should be given to allow the present discussion to sink into the public mind. Then, at a later stage in the progress of the Bill, when it becomes a practical measure, the proposal of the noble Earl may be put, and the opinion of the House with respect to it pronounced with greater advantage. It seems to me to be for another reason a matter of considerable moment that your Lordships should adopt this course. I was deeply anxious that we should give a second reading to this Bill, because I wished to see this House do that which I think it is eminently qualified to do—lead the public opinion of this great country. Now, that function it cannot perform if it sets itself diametrically in opposition to public opinion whenever it happens to have pronounced its verdict on any great question. But it seems to me that it is almost impossible to limit the power that it has of leading the opinion of the country upon anything upon which that opinion is not irreversibly pronounced — if only it will take its own place, calmly, deliberately, and without any hurry let the country know the reasons with which it it is actuated, and the motives by which it is swayed. This House I believe to be in some respects more eminently representative of the nation than the other House of Parliament; more eminently representative, though, perhaps, it may seem paradoxical to say so, because it is less immediately representative. It represents more perfectly, it appears to me, the general resultative opinion of the country. Those who are returned to Parliament by different constituencies, to a certain extent, no doubt, represent the opinions of those constituencies. They give to them an overbearing representation in the other House, in consequence of which that House is not representative in the same degree as this of the nation at large. We cannot shut our eyes to the fact that the town representation in the Lower House wholly overshadows the opinions and representation of the entire country besides. I cannot help feeling, therefore, that a House composed like that of your Lordships—of men possessed of the highest education, of men who have passed through various learned professions, who have had personal acquaintance with commerce — is in a better position to represent the resultant and deliberate opinion of the Nation than the immediate representative House itself. In order that that should be so, however, it is necessary that you should not set yourself in direct opposition to the decision of the country; that you should not be biassed by any threats, and that you should deal with the great questions submitted to you in a brave, calm, and deliberate spirit. In taking this course you will, I think, best consult, the interests of the country, the honour of this House, and, at this moment, the future welfare of that true Church which we shall, I trust, see arise in Ireland. It will, in my opinion, be far easier to secure to that Church a due share of her present revenues if you listen calmly to such arguments as have been laid before you to-night than if you hastily decide that such a course is impossible. For my own part, I look to the future of the Church in Ireland with every hope. I cannot join in the despairing language concerning it which is used in some quarters. I feel the greatness of the shock impending over her — the greatness of her loss in being disestablished. I am no advocate of Free Churches, and it must, I am confident, be a heavy blow to a Church not starting in the freshness of its youth, but which has long learnt to lean to a great degree on State aid, to have her endowments suddenly withdrawn. I can understand the sinking of heart among her people, but I do not doubt, at the same time, that there is besides all this in store for her a great resurrection. The difficulties of the Church have hitherto been too frequently the secret of her history to permit me to entertain any fears upon this grant. Never have riches flowed in upon her so abundantly as when she has not asked for them and has laboured for her God in poverty. Nor do I think, my Lords, there is anything in the Irish character which need make us apprehensive for the future of the Irish Church. Is there not, on the contrary, everything in that character which should lead us to hope for her success? Have they not a natural devotion of spirit to anything that they undertake? Has not Ireland been of old known as the Island of Saints; and may we not rest satisfied that the disestablished Church will make good its claim to its apostolic parentage? This, at all events, my Lords, is my hope for the Church of Ireland. I do not for a moment suppose that the gentry and the owners of the property in that country will suffer her to sink merely for the want of those temporal advantages which are necessary to help her on in her mission. I trust that we may yet see brighter days for our sister Church, bound to us as she will still be by every tie of Christian brotherhood—one in doctrine, one in discipline, one in instinct, and that we and they, in the several spheres God has committed to us, may labour and labour successfully in our great cause. One thing seems to me to be clearly an advantage. If this trouble were to be prolonged—if it were to be repeated month after month and year after year—if, mingling with the striving to spread the truth there were also to overtide the Irish Church the lust of a mere worldly victory—then we might well despair of her future. But I trust that when this crisis is passed her future may be clear. I see—and I trust your Lordships see—the dangers that must beset the Reformed Church if she were to be engaged in long political struggles; how, necessarily, there must grow up out of such a struggle party zeal, and contest for pre-eminence, and how her Protestantism might thus degenerate into dogma and form, and therefore I do trust that this amendment of the measure—if such, in your deliberate judgment, you should esteem it—which may leave our Irish brethren with larger resources of their own, and with less of antagonism and hatred from the other side than would otherwise have been possible, may be adopted by your Lordships, thereby really strengthening in her difficulty this our sister Church. There is one thing of which I am convinced — that while an Establishment is to a particular Church in many ways a blessing unspeakable, no Church which cannot stand without an Establishment is worth being established. I, for one, refuse at once and altogether to believe such an imputation against the Irish Church. Much as I lament that which has come upon her, I believe that she will prove—when all has been done which can be done to lighten what I consider a most unhappy blow — I still believe she will prove herself to be the true Catholic Church of Ireland, rising in the greatness of her love, and leavening, more than she has yet done, the bulk of the population.

The Bishop of St. DAVID'S: Perhaps your Lordships will allow me to explain that, in the remarks I made on the second reading of the Bill, I not only never denied the greatness of such a sin as sacrilege, but that I have a very distinct notion of its nature; and that, as the question has been publicly asked, I believe that in the course of a very few days it will receive a public answer. My Lords, I cannot refrain from regretting that a most unfortunate accident deprived me of the company of my right rev. Brother (the Bishop of Oxford) in the Lobby at the late division; but I am delighted to hear that he was present with me in the spirit, though not in the flesh. Before sitting down, I cannot help expressing my deep sympathy and entire agreement with the sentiments of the noble Earl on the cross-Benches (Earl Grey); and I may, perhaps, be allowed to remind your Lordships that it is now a little more than twenty-four years since the principles so ably enunciated and maintained by the noble Earl were really, in substance, sanctioned and adopted by your Lordships' House, on the occasion of the grant to Maynooth. In that debate I had the honour to take a part; and it will be always a satisfaction to me to remember that I then faintly and poorly, but very earnestly, expressed the same sentiments. I have never since changed that opinion; and I believe that there is in the country a very strong and a growing current of thought in the same direction. I am aware that, although there is this strong current of thought in its favour, there is also a strong feeling against it; but I am quite sure that the one is only temporary, and that the other is likely to be permanent. I agree with my right rev. Friend, in thinking that there is one great mistake in the measure. I entirely approve it, so far as it was intended thereby to establish religious equality in Ireland; but I wish that it had been an equality of power and advantages, and not an equality of general destitution. Before sitting down, perhaps your Lordships will allow me to read a short extract from a letter written by a gentleman who signs himself "A Catholic Priest," who is said to be a most distinguished theologian of the Church of Rome, and who deals with almost every part of this question. In a few sentences, he expresses his opinion on the subject of voluntaryism and endowment. He says—

> "To cast suddenly adrift from her moorings the Protestant Church of Ireland would fling her into a "sea of troubles." About that, as a Churchman of another creed, I may, perhaps, be supposed to be indifferent; but I am not. I do not think that state of things would be the slightest advantage to us—probably, quite the reverse—while, on the other hand, it would be too likely to produce such spasmodic efforts in righting herself, and to create by the severe tension such a fanatical spirit as would very mischievously disturb the calm and peace of the country, and which, were it only on that account alone, a wise statesman would avoid."

Lord CAIRNS: I do not rise now to recur to any of the topics which were germane to the discussion on the second reading of the Bill; nor would it be convenient that, in stating my view of the Amendment of the noble Earl (Earl Grey), I should now deal with his arguments—stated, I need not say, with his usual ability—in support of the proposition which he desires your Lordships to adopt. I rose rather for the purpose of facilitating the progress of business in Committee, and of offering what appears to me a sufficient reason why we should not accept the Amendment of the noble Earl. I fear that the noble Earl has not been the only person who has departed from the usual practice of the House on this occasion, because the noble Earl opposite (Earl Granville), in objecting to the postponement of the Preamble, took the opportunity of going rapidly through all the Amendments on the table, and of making for your Lordships' convenience a calculation as to the amount of money which would be required to satisfy every one of these Amendments, coming as they do from various quarters of the House. Well, I can only say, that if the calculations of the noble Earl in respect to the other Amendments are not more accurate than what he has made with regard to those that stand in my name, he will find that his arithmetic is extremely deficient. In one respect I think that the noble Earl will be gratified. He hoped that the Government would know what Amendments would be supported in this House, and I have not the least doubt that before the discussion closes he will ascertain that. With regard to the present Amendment, we are asked to depart from the usual practice of postponing the Preamble. But it seems to me that if we depart from that practice we may be in a position of considerable difficulty. The noble Earl (Earl Grey) says that an alteration in the Preamble will not be sufficient, and must be followed up by clauses with reference to the disposal of the surplus property of the Church. But suppose that your Lordships assented to the proposal of the noble Earl, and, after altering the Preamble, decided against an alteration of the clauses in the sense contemplated by the noble Earl, what would be the consequence? The House would have altered the Preamble in the expectation of clauses which were to follow, and then would have rejected these clauses. We should be unable to go back to the Preamble because we had passed it, and should send out of Committee a Preamble which was not consistent with the clauses. It seems to me that that is quite a sufficient reason for adhering to the usual practice on the present occasion; and I hope that the noble Earl will not think that I am going beyond my province if I suggest to him that, at the commencement of a discussion which will last for a certain length of time, it will be desirable not to divide the Committee upon the proposition he has made.

Earl RUSSELL: I hope the Amendment of my noble Friend (Earl Grey) will be withdrawn, though I by no means regret that the subject has been brought under the attention of your Lordships. But a departure from the usual course of postponing the consideration of the Preamble till the clauses had been settled would be productive of considerable inconvenience. I should be glad to know on what data my noble Friend (Earl Granville) bases his calculations with regard to the Amendments proposed. After satisfying the claims of the Irish Church, it was estimated that there would remain a surplus of some £7,000,000, and I proposed that in that case a portion of the surplus should be expended in providing glebes and manses for the Presbyterian and Roman Catholic clergy. What is especially wanted for the government of Ireland is moral influence. No one can deny that in this country there has been for centuries a reliance on the just and impartial administration of the law. In Ireland, however, this was far from being the case. Not many years ago no person could be appointed to the office of sheriff unless he were a Protestant; and it was well known that the Protestant gentry were hostile to the Roman Catholics, and that the latter believed there could hardly be a fair trial in a court of justice. Now, moral influence is always connected with religion in Ireland. Nay, I even go further, and maintain that moral influence prevails not only in the Established Church, but in the Roman Catholic Church also; for, although the clergy of the latter communion may sometimes preach disaffection, they also likewise preach moral doctrines, which are of the greatest use for the support of authority. I hope, my Lords, that when we come to the clauses in which these questions arise you will not despise the question of moral influence in the government of Ireland. I feel quite sure that there is nothing more needed in Ireland than that influence, and if you take away—as you will do by the disestablishment of the Church—an influence which, as far as it goes, is a good influence, on behalf of morality, you ought not to disregard altogether the advantages to be derived in the same direction from another religion. In conclusion, I have only to express a hope that my noble Friend will not press his Amendment to a division.

The Earl of DALHOUSIE: I also hope my noble Friend (Earl Grey) will not think fit to take a division upon his Amendment. In his speech my noble Friend adverted to one subject which has pervaded to a considerable extent the debates in this House as far as they have hitherto gone. I allude, my Lords, to the slur which has been studiously thrown upon the voluntary principle for the maintenance of religion which prevails to so considerable an extent in this country. I think the noble Earl who opened this debate expressed his opinion that it was a most dangerous thing to leave the religious teaching of a people to the voluntary efforts of individuals, and he stated, moreover, that such a proceeding, when recourse had been had to it, had been invariably found to entirely fail. I differ entirely from the opinion of the noble Earl, and I differ, not only from his opinions on the matter, but from the opinions expressed the other night by the most rev. Primate the Archbishop of Canterbury, when he told us that the efforts to maintain religious ordinances by means of voluntary contributions from the people had entirely failed in that portion of the country with which I am more immediately connected. I believe I am the only member of the Free Church of Scotland who sits in your Lordships' House, and I should, indeed, deem myself a recreant member of that Church if I did not repudiate a condemnation which I not only know to be unjust, but which I think I can even convince the most rev. Primate himself is somewhat ungenerous. The Free Church of Scotland has been cited as an example of what voluntary efforts can do by the Prime Minister in one House of Parliament, and by my noble Friend below me (Earl Granville) in the other, but to the tribute which he paid to the voluntary exertions of the Free Churchmen of Scotland the most rev. Primate undertook to give a most stern and steadfast denial. Now, I wish to ask the most rev. Primate whether he founded that denial upon an account contained in a pamphlet which was widely circulated? That pamphlet contains, as was stated by the noble and learned Lord opposite, (Lord Cairns) a speech which was delivered in the Presbytery of Glasgow, and the noble and learned Lord very naturally asked why that speech was not answered. Now, the noble and learned Lord was a Member of the House of Commons before he took his seat here, and I would ask him whether he has never seen some wearisome and tedious speaker get up in the course of a debate, whereupon Member after Member would vanish from the arena, while even the reporters closed their note-books. Such was the fate of that speech in the Presbytery, and in revenge it was published by the individual who made it, and circulated with a preface by another member of the Free Church. Such is the history of that speech, which contains one of the most unfair attacks I ever read upon the Free Church of Scotland. I will not now make, except from documents which cannot be contradicted, any statements with regard to what that Church has done in prosecuting the principles for which it parted from the Establishment and in maintaining and furthering its views of religion. From these documents it will appear that instead of being an utter failure, the Free Church of Scotland has been a signal success, and, therefore, the Irish Church, if disestablished and disendowed, need not despair of being able to do what the Free Church had done, not only in Scotland, but over the whole of the Queen's dominions. In 1843 a number of ministers of the Church of Scotland determined, for reasons into which I will not now enter, to sever their connection with the State, and to surrender the endowments which they were receiving from the State. At that period the number of established ministers in Scotland was between 1,100 and 1,200, and of these no fewer than 474, led by men of the greatest repute, thought fit to go out from the Established Church, and, deserting their livings and foregoing their endowments, to form the Free Church of Scotland. Since 1843, the number of ministers has increased to 740 upon the rolls of the Church, and 204 not upon the rolls, while in the same period 900 churches, 650 manses, and 600 schools have been erected. The Free Church have also built and furnished, with a full professorial staff, three Colleges for training men for the ministry, and established a library containing many thousands of volumes, some of them of a very rare description. They have also built a hall for meeting in their General Council—an edifice which is second to none in the great City of Edinburgh. All these are facts which cannot possibly be denied. But I wish also to bring under your Lordships' consideration the means which the Free Church has subscribed for the purpose of carrying out her objects. Since 1843, that Church has subscribed for her different objects no smaller a sum than £8,500,000. So far from her revenues decreasing, they have been year by year increasing. In 1863-4 those revenues amounted to £343,000; in 1865, they were £380,000; in 1866, they were £369,000; in 1867, they were £395,000; and last year they were £421,000. That Church shows not only an increase of yearly revenue, but a gradual increase of her ministerial charges, which I think ought to be an encouragement to all who may be called upon to maintain the ordinances of religion by voluntary efforts. But, in addition to all that, we have belonging to the Free Church at this moment property or assets to the amount of very nearly £2,000,000. We have funded for the uses of our various schemes £350,000, and we have—by the organization which it was the good fortune of the Free Church to receive at the hands of Dr. Chalmers—not a single interest in that Church, whether it be the widows, whether it be the aged and infirm ministers, whether it be the working clergymen, whether it be missions at home or missions abroad—we have not one of those various interests which is not better attended to than when they were joined to the Establishment. Now, these facts, I think, entitle me to say that, so far from being a failure, this instance of a Church being erected by the voluntary efforts of those who belong to it is a proof of what men can do if they will only do it for the maintenance of their religion; and no Church that cannot support, and so justify, its own religion will ever thrive or ever command respect, whether it be in connection with the State, or whether it stands on its own responsibility. Within the pale of the Free Church of Scotland hundreds of thousands of the people of that country at present worship the God of their fathers according to the Reformed faith, and what is more, that Church has extended itself to foreign climes, to India, and to the colonies under Her Majesty's dominions. Her best blood is devoted to missionary labours, and her work abroad is not less valuable than that which she does at home. I trust, therefore, that it will not go forth to the public that this effort on the part of the people of Scotland has been an entire failure. I deny that it has been so in any respect whatever. I am afraid that those who have an interest in traducing that Church have imposed upon the most rev. Primate by a one-sided statement; and I trust that these facts, every one of which is taken from the public records of our Free Church, will convince him that he has, unintentially I am sure, cast an unjust stigma upon her. Why, the most rev. Primate has himself appealed to the voluntary exertions of his people. He has instituted in London one of the noblest schemes for Church extension which modern days have witnessed. What would he have said of me if, on the authority of a pamphlet published by some grumbling curate, and prefaced by some bilious rector, I had condemned his scheme, and told the world that it was an entire failure, when, by searching the public annual records, I might have found evidence of the contrary? I think the most rev. Primate would have said that I had been led away by erroneous information, and was mistaken in my conclusion, and I trust that he will make to me the same admission that I would have most readily made to him in that case. I trust, my Lords, that the example of the Free Church of Scotland will not be lost upon the Church in Ireland when she may be disestablished and disendowed. I am quite certain that if the members of the Irish Church will but earnestly prepare themselves for the change that is coming they may place themselves in a position which will command the respect of all who shall behold them in their disestablished state. I am convinced, my Lords, that if they will only put their shoulders to the wheel, and do that of which my countrymen have set them the example, the alarm as to their not being able to stand or exist as a Church without the aid and support of the State will be found to be wholly groundless.

THE ARCHBISHOP OF CANTERBURY: My noble Friend who has just sat down has shown that which I was quite aware of—namely, that the Free Church of Scotland has made extraordinary efforts, that she has realized a large sum of money. This I most cordially grant; and I should be very sorry if the remarks I made on a former occasion should have given offence to my noble Friend or to the Church to which he belongs. But when I said what I did I held in my hand a pamphlet which was published with a preface by one of the leaders of the Free Church and one of the original seceders with Dr. Chalmers. That pamphlet contained two statements; the one was that the Free Church had drifted altogether away from the principles of Dr. Chalmers, going into the voluntary principle, instead of maintaining, as nearly as possible under altered circumstances, the principle of establishments as held by that distinguished divine. The other statement was that this gentleman, one of the original seceders, and still a leader of the Free Church, was of opinion that the voluntary principle, whatever it might do in large towns, however large might be the sums which it drew from the people, was unable to to sustain the ministers in poor and scattered parishes, and therefore the voluntary system failed where its help was most needed. What has just fallen from my noble Friend does not disprove these statements. What I want to say now, however, has reference to the postponement of the Preamble. I wish to bring forward one point which I think has not yet been touched. There is a difficulty about this Preamble because it declares a thing which is not true. We are not entering upon the Preamble, and, therefore, I shall not dwell upon this matter; but I would allude to the fact that all through this discussion it has been taken for granted that, if the policy advocated by the noble Earl (Earl Grey) is not adopted the money must go to purely secular purposes. Now, my Lords, that is not correct. The surplus money, according to this Bill, is to go, in the first place, for the maintenance of the College of Maynooth. Is that a secular purpose? £500,000 is to be appropriated for this purpose. Therefore, so far as the Preamble says, that none of the money is to go for the purposes of religion, it is false. Again, an enormous amount of the residue of the Church's property is to be devoted to the instruction of deaf and dumb people, and the like. Who teaches these deaf and dumb people? Some of the money is also to go to reformatories. What is the number of these reformatories which are distinctly under the management of Roman Catholic priests? I say the question has altogether drifted away from that which we were at first led to suppose it was. The question now is, whether the Bill as it stands before us, proposing to give £500,000 of the Church's money for the maintenance of the College of Maynooth, and to distribute many millions for the maintenance of asylums, Colleges, and reformatories, almost all of which are under the management of the Roman Catholic clergy, is the best way of dealing with the funds of the Church, or whether some better plan may not be devised — such as the noble Earl has sketched out, or such as the other noble Earl (Earl Russell), or the noble Duke (the Duke of Cleveland), are going to propose—namely, that the Roman Catholic and Presbyterian clergy shall at least have houses to live in—the question is, whether there is any religious objection to doing that when you have got over the religious objection by giving a large portion of the funds to Maynooth and other institutions now under the management of the Roman Catholic clergy? If you are going to give this money to the Roman Catholic clergy, pray say so, and do not pretend that it is not going to them when, in fact, it is proposed by the Bill that it shall be placed under their direction. For these reasons I shall be prepared to support the Amendments of which the noble Duke and the noble Earl have given notice.

THE EARL OF KIMBERLEY: I rise merely to put the most rev. Primate right upon one point. He observed that in compensating Maynooth the Bill did that which is inconsistent with the Preamble; but what does the Preamble say? It says—

> "That after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be held and applied for the advantage of the Irish people, but not for the maintenance of any Church, or clergy, or other ministry, nor for the teaching of religion."

Now, I maintain that, according to this, you are to satisfy on principles of equality all just claims of the several denominations of Ireland, and the Government say that one of the just and equitable claims which must be satisfied before you dispose of the surplus is compensation for the grant to the College of Maynooth, a proposal which is not inconsistent with the Preamble of the Bill.

THE EARL OF BANDON rose to make a few observations, as he had been prevented from making a speech on the Motion for the second reading.

EARL GRANVILLE remarked that, although the noble Earl was of course at liberty to make what observations he pleased, he was not in Order in announcing that his remarks referred to the Mofor the second reading.

THE EARL OF BANDON said, he had no intention of making the speech he intended to deliver on the second reading, but he wished to say a few words on behalf of the Protestants of Ireland. He held this to be a measure of the greatest injustice, for it transferred the funds of the Protestant Church to purposes which would be placed under the management and control of the Roman Catholic clergy. The noble Lord (Lord Dalhousie) who lately spoke, had given them a glowing description of the work of the Free Church of Scotland. But there was a great difference between the condition of the Free Church—who, believing that they were treated with injustice, had voluntarily gone and left the Church—and the Church of Ireland, who had their churches taken from them, and who were left altogether desolate. He referred to a speech made formerly in the House of Commons by the present Prime Minister, to the effect that the tithes were the local funds of the Church, given to maintain religion in each particular parish; and that anyone who took them for other purposes was, in his mind, little better than a public plunderer. He might quote many other opinions to the same effect. His sole object, however, in rising was to say that he had had the honour to preside at two large meetings of the Protestants in Ireland, and he could assure their Lordships that the Protestants of Ireland felt that the greatest injustice was done them by this Bill, and the greatest injury. Although it was true, as they had been told, that the Protestants had not so expressed themselves last year, they were most decided in their denunciations of the Bill now; and the reason for their comparative silence last year was that they could not believe Parliament would do them the injury Government contemplated by this Bill. The right rev. Prelate said disestablishment had been agreed to by the country; but what did the country mean by disestablishment? Was the question at present at issue clearly put before the country? Was it put before the country that the disestablishment of the Church implied the undoing of the work of the Reformation in Ireland, and that the practical effect of disestablishing the Church of Ireland would be the establishment of the Roman Catholic Church in that country? It was all very well for noble Lords who took part in the debate to talk as they did of the state of Protestantism in Ireland; but let those who possessed property in that country, without the advantage of seeing it, contrast their position with that which would be the position of the Protestants in Ireland if this Bill passed. They would hear the last toll of a bell which would tell them of a departed minister, and that the parish church, connected with all their dearest associations, would be closed for ever. They were constantly asked—"If you reject this Bill, what will you do with Ireland?" He had often said in that House—"Pray leave Ireland alone." Ireland would not be conciliated if this Bill was rejected—the Protestants regarded it as a measure of injustice, and the Roman Catholics cared nothing about it. The Roman Catholic clergy might desire the destruction of a rival Church, but the country did not care about it. ["Question!"] In conclusion, he would implore their Lordships, as they valued the future peace of Ireland, to bear with him while he cited the opinion of an illustrious Prince who was once heir to the proudest throne in Europe. The late Duke of York, upon his dying bed, called upon us to develop the resources of Ireland, to depise agitators, and give her the Bible.

Lord WESTBURY: There are one or two minor points which I will shortly notice before I enter upon the important question which your Lordships will have to consider. We have heard a long episode in reference to the Free Church of Scotland. I have heard that question dressed up with great pomp of oratory. It is said—"Look at the Free Church of Scotland; they went out of the Establishment, and they prospered; let us send the Irish Church out of the Establishment, and it will prosper." Such is the logic of Her Majesty's Government. The Free Church sustained a great injury, but its energy enabled it to surmount its difficulties. Do the like injury to the Irish Church, and depend upon it it will show like energy. There is another topic on which I will only touch. There has been a long controversy touching the conduct of St. Ambrose, and whether in applying the vessels of the Church to secular uses he had been guilty of sacrilege. What might be the opinion respecting St. Ambrose in the days when he lived I do not know; but, I must say, with the modern ideas of property, that if St. Ambrose had been brought before me in equity I should not have hesitated to find him guilty of a breach of trust, and to make him refund the property. I will, with great deference, remind your Lordships of an old proverb which says —"You must not steal leather to make poor men's shoes." That is what the Government are doing; they have stolen the leather of the Church of Ireland, but, sensible of injustice, they propose to cut it up into poor men's shoes. I pass on to say I think we are much indebted to the noble Earl who initiated this debate (Earl Grey). I am for this reason—there are several circumstances which will govern the consideration of many of the Amendments your Lordships will have to discuss; and I think we shall make short way with some of them if we first ascertain and understand properly the principles on which we are to act, and then endeavour to discover the true mode and extent of their application. That was the object of the noble Earl in proposing this substantive Motion on the Preamble. True, it is usual to postpone a Preamble; but why? Because it generally runs thus—"Whereas, it is expedient to make an alteration in the law, or expedient to enact certain provisions;" and whether a man can assert that it is expedient or not must depend upon the provisions of the Bill. Of necessity therefore you refer to the provisions of a Bill before you say whether it is expedient to pass it. But have we got such an innocent and unpretending Preamble here? The Bill is consistent throughout. It begins with a Preamble of extraordinary injustice, and, I will say, wickedness; and, having commenced in that character, it preserves its consistency to the end. The words which the noble Earl has selected contain a substantive proposition such as is not generally found in a Preamble, the object of a Preamble being that you may determine whether it be right or not to accept the principle involved in the Bill, and, when you have discussed it, that you may proceed to the consideration of the clauses of the Bill. In this instance there are three things involved in the terms of the Preamble—firstly, that the Church of Ireland shall be reduced to the voluntary principle; secondly, that the Church of Ireland shall be deprived entirely of her property, and that that property shall be applied to uses inconsistent with the objects of the donors of it—namely, to secular uses; and thirdly,—and this is the most important, and but for it I would not have risen—whether we are not bound to fulfil an honourable obligation, and to make some provisions for the Roman Catholic clergy. On the question of the voluntary principle I need not detain your Lordships. How we can possibly think it would be wise or fitting to strip the Church of Ireland in order that she may pass through the fire of the voluntary principle is something I cannot at all understand, nor have I heard one reason, either of justice or policy, why this should be done. I want to pass away from that to what we have now the opportunity of doing, and that is fulfilling the moral obligations which those who went before us deliberately constructed—namely, to make a State provision for the Roman Catholic Church. I will go no further back than 1792, when a proposition was made, for the first time, to endow the Roman Catholic Church at the expense of the State. That proposal was rejected by him with indignation. But what Mr. Burke shrank from is now adopted by Her Majesty's Government. His mind revolted from the proposition that you should take away the property of the Church, even if you did so with a good object. The matter remained in that position till the year 1799. In that year, on the consideration of the treaty for the Act of Union, Lord Castlereagh obtained the consent of the Prelates of the Roman Catholic Church, on the stipulation that they should receive a provision out of the funds of the State. They gave their assent and the Union was complete, but the promise on your part was never fulfilled. Now, my Lords, that stands recorded. You have now a glorious opportunity of redeeming the promise that was then given. Are you not now bound to do so? Was it not expedient and just at the time of the Union, and is it not still more just now, when you have the opportunity to fulfil the promise which you then made and from the performance of which you then slunk away? Now, the matter stands beyond possibility of doubt. You will find from a speech of Lord Castlereagh, in 1801, and from the Parliamentary debates of 1810, that Lord Castlereagh obtained the generous forbearance of the Roman Catholic clergy upon the renewed promise that the original contract should be completed. Testimony was borne to that fact over and over again in Parliament Lord Castlereagh, in a speech in 1810, said—

> "Upon the ecclesiastical part of the arrangement, he was authorized, in the year 1799, to communicate with the Catholic clergy. It was distinctly understood that the consideration of the political claims of the Catholics must remain for the consideration of the Imperial Parliament; but the expediency of making some provision for their clergy, under proper regulations, was so generally recognized, even by those who were averse to concessions of a political nature, that a communication was officially opened with the heads of their clergy upon this subject."—[1 *Hansard*, xvii. 193.]

It was true that the clergy at that time refused to receive this provision, because they said it must be accompanied by Catholic Emancipation, but that did not release this country from the engagement which they made. Upon this subject Lord Sidmouth said—

> "He was clearly in favour of a provision for such of the priests as would accept it; and he thought that there was a time when they would have received it from him (alluding, no doubt, to Lord Castlereagh's negotiation in 1803). He considered that it would effectually bind them over to keep the peace, and prove themselves faithful subjects."

My Lords, have you forgotten that, in the year 1821 the House of Commons passed a vote in favour of State provision for the Roman Catholic clergy by a large majority, and although that State provision has never been made, the policy then declared by the House of Commons has never been met by any counter declaration? I wish this matter had been taken up by the noble Earl on my right, because he would have enriched it with the personal knowledge which he has had the opportunity of gaining during his many years' acquaintance with the principles and sentiments, the settled opinions and the firm persuasion of the leading political men of the time. Now, these are things that ought to be borne in mind when we are coming to the discussion of a variety of clauses in which the principle of making State provision is dealt with in a very niggardly way, and sometimes in a way which will, I am afraid, scarcely answer the purpose intended. What is the purpose intended? Is it not that you should satisfy the Roman Catholic clergy that they are being dealt with justly, in a manner that will exempt them altogether from the debasing obligations which they now so frequently incur in their relations to their flocks? Now, anybody looking at this Bill would naturally say that the Government did not know what to do with the money at their disposal. They seem to have poured it into channels where, to say the least, it is superabundant, unnecessary, and uncalled for; but if we examine the matter more closely we shall find that this plan has been selected because it holds out so many inducements to refrain from offering opposition. I do not, however, wish to dwell upon this. What I desire to dwell upon is that you have now a glorious opportunity to redeem the national honour by placing your Church and your country in a state of religious peace. This is preferable to the encouragement of those charitable objects to which you are about to give these enormous sums of money in the most uncalled for manner. Now, I have a few other observations to make with reference to the taking away of the property of the Church. I entirely agree with the definition which the right rev. Prelate (the Bishop of Oxford) gave of the word "established." Establishment does not imply any Church, building, or glebes, but establishment implies the religion, the form of faith, the mode of worship, the doctrine, the discipline, and the ordinances of the Church which the State selects to be the means of affording the consolation of religious worship and teaching. But when we are told that the country assented to disestablishment, I ask did the country agree to the abolition of the Protestant religion and the Protestant form of worship? I maintain that the country did not so understand the word. It mixed up with the real question of disestablishment the taking away of the material possessions of the Church. In that sense I grant that the country did pronounce a verdict that the quantity of the goods which have been gotten in the hands of the Irish Church should not remain there, but should be made the subject of a more just and equal distribution. That I believe really to have been the decision of the country, and if you carry it out in that spirit all good and religious men will second your efforts. Now, I venture to offer an observation with regard to the great fallacy that pervaded the speech of the right rev. Prelate (the Bishop of Oxford), who spoke of the property as if it were the property of the existing Church. But the property belonging to the Irish Church, save only those gifts made to her in her present form, is no less the property of Christianity in Ireland. I pray you again to permit me to protest that the Church's title — that is, the title of Christianity to the property originally given for the maintenance of Christianity — is an indefeasible title. Nothing consistently with justice can take it away as long as there is a Christian population in the country. You may have misapplied it; you may have misappropriated it, but the title remains, the right remains, and the duty of Parliament remains to redress the inequality—to take away that which a particular body has gotten, but which does not belong to it, and to distribute and appropriate it equally. "Equally" does not mean in equal amounts, but in amounts proportionate to the just claims of the different religious denominations in Ireland. If you recognize that principle, you recognize a true one. It is the one constantly acted on in courts of justice in the analogous case of bequests to charities. If that principle be recognized, undoubtedly the Roman Catholics are entitled to a very considerable portion of those funds; the Protestants of the Established Church are also entitled to a very considerable proportion of them; and the Presbyterians are entitled to a considerable portion of them. Does not this principle of distributing these funds among the different religious denominations recommend itself to every right-minded man, and may not your sense of justice and your feeling of charity be abundantly gratified by such a distribution? The reformatories and asylums to which it is proposed to give the funds of the Irish Church may be very good institutions; but first of all do justice by distributing the property according to right; and, if you have more than is wanted for purely religious purposes, dedicate the balance to those institutions if you like. My Lords, I have to complain that in this debate undue prominence has been given to the clergy when the distribution of the property has been spoken of. I am sure I should be doing great injustice to the right rev. Prelates, and great injustice to the clergy as a body, if I were to suppose for a moment that they claimed the property for their own sakes. I am sure they regard themselves as what they are—the *media* through which this property is applied for the benefit of the people. The members of the Episcopal Church in Ireland want to have churches to worship in; they want to have the consolations of religion administered to them by their clergy, and they want to have their churches and their clergy maintained out of funds which, not the State, but the piety of men in former times, supplied in order that the people might have those religious consolations. The clergy are the ministers and servants of the recipients of that money. The hierarchy are not opposing this Bill because you are taking their property, but because you are robbing their flocks, and taking from those flocks the benefits to which they are justly entitled. I have spoken on this subject because I believe it to be the question really before the House. The noble Earl by his Amendment asks that the Preamble shall not be postponed, and he does so in order that the vote of the House may be taken on the propriety or the impropriety of certain principles asserted in that Preamble. I think your Lordships are under a deep obligation to the noble Earl for having given an opportunity of discussing these matters at so early a period in Committee on the Bill.

THE DUKE OF RUTLAND: The noble Earl who moved the Amendment (Earl Grey) stated that the people of England are in favour of concurrent endowment; but the right rev. Prelate who spoke after him (the Bishop of Oxford) stated, and I think with equal confidence, that the people of England were not in favour of concurrent endowment. I only rise to express my great regret that we had not the benefit of both their votes in favour of the Amendment of the Motion for the second reading of the Bill. If that Amendment had been carried the people of England would have been afforded an opportunity of expressing an opinion on concurrent endowment.

THE MARQUESS OF SALISBURY: My Lords, in the first place, I do not wish to allow this discussion to come to a close without making an observation on the remarkable calculations which at an earlier period of the evening proceeded from my noble Friend on the Treasury Bench (Earl Granville). What my noble Friend did was this—He took a number of independent Amendments, several of them rival ones—in which proposals are made for dealing with the surplus, and putting them altogether, he naturally brought out a sum in excess of the whole of that surplus. Taking the result, he said—"See how unreasonable the House of Lords is!" I do not know whether my noble Friend has ever had the misfortune to hear a debate on a Budget. If so, he must have heard rival financiers make proposals all of which taken together would have disposed of an amount equal to four or five times the amount of the national revenue. If my noble Friend's calculations were applied in such a case, all the proposals of all those financiers would be condemned as he has condemned the Amendments this evening. Another fallacy which the Government seems to have laid hold of is this, that what is given by the Bill as a pure matter of justice—as an inevitable act of justice—in the way of compensation for life interests, and what the most rev. Primate (the Archbishop of Dublin) and I myself propose to have given to the curates, ought to be set down as so much given to the Church. The Government do not seem to remember that the clergy are not the Church, but the servants of the Church. If it should ever happen in the vicissitudes of political affairs that the distinction now drawn between corporate property and private property should be found too flimsy, and that proceedings should be taken to disendow my noble Friend himself, and if he should set up in mitigation that he is no longer a young man and ought not to be turned out on the world, he may be told that life interests have been scrupulously regarded, that his gamekeepers will receive a pension, and that his butler will be taken care of. My noble Friend may then remember with regret the arguments now used by himself and his friends against the Irish Church. I thought it right to enter my protest early, because no doubt we shall have a great many calculations from my noble Friend; and though I can hardly hope to do anything towards his education, I will venture to express a hope that in future he will avoid that sort of arithmetic. I trust he will avoid the obvious fallacies of such calculations. I entirely demur to his estimate of the financial results of the Amendments on the Paper. I believe it to be enormously exaggerated. Of course, the schemes of concurrent endowment are rival schemes, and I believe that the amount involved in the Amendments would not reach more than half the sum estimated by my noble Friend. I quite concur with my noble and learned Friend (Lord Cairns) that this is not the most convenient opportunity for expressing an opinion on concurrent endowment; but much has been said on the subject in the course of this discussion, and as I think that in a crisis like the present each man is bound to contribute his opinion, I shall not shrink from stating what is mine. I differ entirely from the noble Duke who has just sat down. As long as the property of the Church was preserved to the Church, I would have opposed any endowment of the Roman Catholics, not because the money would have been paid to the Roman Catholics, but because it would have taken from the Church; but now that it seems to be agreed that a considerable amount of property is to be taken from the Church, I think that whatever good there is in this measure—and there is very little good in it—will be destroyed except something of that kind is agreed to. In the first place, as to the matter of title. The title of the Protestant Church is a title derived from a possession of three centuries, and from prescription; but you have in part set it aside, and what title comes next? The title that preceded that of the Protestant Church. I cannot accept the justice of the phrase "concurrent endowment." That phrase would convey to others the idea that we, a Protestant State, were prepared to tax ourselves and out of our own resources to contribute to the support of that which we believe to be error in religion. Now, that is not my impression of the operation which we are invited to perform in the present instance. The property of the Irish Church is not the property of the State in the sense in which the taxes levied by Parliament are its property. The money with which we are dealing is rather trust money to be applied to trust purposes. If you swept all this money into the Exchequer, and paid the soldiers and sailors of your Army and Navy out of it, there is no moralist in this country who would deny that you would be doing a great wrong. That being so, the framers of this Bill have sought, as far as they thought possible, to apply it to purposes analogous to those for which it was originally intended, and it is clearly therefore admitted on all hands that the funds of the Irish Church are not the property of the State in the sense that you may devote them to any purposes which you may please. They constitute property which you feel bound to apply within a somewhat narrow grove, and in applying it you are not dealing with the property of the people of this country, or endowing either what you deem to be truth or error. You are applying it according to your conception of the trusts under which it is held, and the only question, it seems to me, which we have to consider is, whether it is more for the benefit of the people of Ireland that a portion of it should be devoted to the support of lunatics or of Roman Catholic priests? If the question were put to me, I frankly confess that I should prefer that the money should be applied for the benefit of the Roman Catholic priests instead of being given to lunatics. I may add that a question of the gravest policy seems to me to underlie that which we have been discussing to-night. You tell us that this Bill is a great message of peace to Ireland. What is the use of a message of peace, if you refuse to apply this money for the religious purposes most acceptable to a large portion of the people? It would be equivalent to telling the Roman Catholics—"We are willing to strip your rivals of their property, but so utterly do we detest your religion that we prefer having recourse to any sort of device — to invent imaginary lunatics — to adopt any sort of fantastic expedient, rather than apply any part of it to the support of the ministers of that religion?" I quite understand the feeling of the Roman Catholics, as expressed by my noble Friend (the Earl of Denbigh), but you must regard rather their ultimate feelings than those to which they give expression at the present moment. When they remember the way in which this Bill was framed, do you think they will be disposed to look upon it as a message of peace to Ireland from England? I cannot help fancying they will be of opinion that it is a very Irish mode of conciliating Ireland. But there may be one cause for congratulation amid the many causes of sorrow and dismay which the passing of this Bill will bring with it, and that one is, that it may make the Roman Catholics of Ireland a contented people, if the Roman Catholic priests, as is done by the priesthood of every other religion, will only exert themselves to render them loyal to civil government. For my own part, I would give up many privileges to attain that end, and those who would refuse to introduce into the Bill any provisions calculated to secure that object would, in my opinion, deprive themselves of the only good excuse for bringing it under our consideration. As to the particular scheme which should be adopted, I would merely observe that that of the noble Duke (the Duke of Cleveland) seems to me to possess the greatest advantages. But on that I shall say nothing further now. I would merely, in conclusion, express a hope that the noble Earl (Earl Grey) will not press his Motion to a division. It is always inconvenient to take a division at one and the same time on a question of form and principle. In doing so you may rank against yourself in the same Lobby those who differ from you in principle as well as those who object to your Motion in point of form.

THE MARQUESS OF CLANRICARDE expressed his entire concurrence in the opinion that the Preamble of the Bill was open to objection. The words which he proposed to omit from it simply amounted to a statement that there being a certain surplus out of the property of the Established Church at the disposal of Parliament that surplus might be appropriated to any other purpose in Ireland except the teaching of religion. Now he, for one, could not see what advantage there would be in setting out with such a statement as that, and he could not help regarding it, to say the least, as being entirely uncalled for. For his own part, he might add, he had always endeavoured to promote, as far as lay in his power, religious equality in Ireland; but it had never occurred to him that that desirable end was to be attained by the wholesale destruction of the Protestant Church in that country. When the question was broached last year, he did not, he must confess, understand—nor did he pretend yet to understand—the full scope of the word disestablishment; but he certainly thought that the scheme which was brought forward would have been somewhat more in consonance with the expressed wishes of the Irish people. He quite admitted that in order to place the inhabitants of Ireland on an equal footing there could be no more simple mode of proceeding than to take from all of them everything they possessed; but then he should have expected to have found more ingenuity displayed in a measure dealing with a great subject. Of statesmanship or ingenuity he saw, however, no evidence in the present Bill, although much labour had, no doubt, been expended upon its details. The voluntary principle once adopted could not be confined to Ireland, and every argument used in the course of the present or former debates was in a sufficient degree applicable to the Church in England. When it was asserted that the Roman Catholics or Presbyterians in Ireland would not accept glebes for their clergy, he could not bring himself to accept the statement implicitly. No doubt a very large and energetic body in the North of Ireland supported the principle of "No surrender;" but every man of experience or judgment in Ireland, for several years past, had been of opinion that some provision for the Roman Catholic clergy would be the best possible mode of meeting existing difficulties. Everybody to whom he had spoken admitted that such an arrangement ought to be made; but some said it was impossible, and others that it was too late. He should like to know why it was either impossible or too late to do that upon which the great majority of educated people in England who had paid attention to Irish affairs were agreed in opinion. Various Amendments had been suggested, contemplating the same object which he himself had in view, but adopting different methods of procedure. When the proper time came he should gladly fall in with any arrangement which was best calculated to effect the common object. Of this he was persuaded, that the present was the best and probably the only chance which would be offered to the House of conciliating the people of Ireland, and he sincerely trusted that it would not be allowed to pass.

Earl GREY said, he still retained the opinion that the proper time to declare whether the surplus funds of the Church should be applied to secular or wholly to religious uses was upon the Preamble of the Bill; but, as it appeared to be the prevailing opinion that the convenience of the House would be best consulted by raising the question at a later period he should not press his Amendment.

On Question? *Resolved* in the *Affirmative:* Preamble postponed accordingly.

Clause 1 (Short title) *agreed to.*

Clause 2 (Dissolution of legislative union between Churches of England and Ireland).

The Archbishop of CANTERBURY moved the Amendment of which he had given notice for extending the time at which the operation of the Bill would commence from 1871 to 1872. This course, the most rev. Primate said, he adopted at the instance of those who best understood the position of the Irish Church. It was hardly possible to suppose that the formation of a new Church could be accomplished within so limited a period, and some time would also be necessary for effecting an alteration in the law of marriage.

Amendment *moved,* line 27, to leave out ("one") and insert ("two.")—(*The Lord Archbishop of Canterbury.*)

Earl GRANVILLE: I perfectly admit that the date ought to be as far off as is absolutely necessary; but I likewise feel with the right rev. Prelate (the Bishop of Oxford), who spoke earlier in the evening, that delay in such matters is calculated to be very disadvantageous to the Irish Church. In all ordinary matters much less energy is shown where there is any long interval to elapse than when pressure is immediately felt, and I think this observation especially applicable to the state of the Irish Church. The future of that Church must depend upon the cordial feeling of the laity acting with the clergy; and if that feeling is allowed to cool down for two years and a-half the result, probably, will not prove as favourable as if we adhered to the date, which was not adopted without very grave consideration on the part of Her Majesty's Government. As to any arrangements which may have to be made with regard to the marriage laws, it seems impossible to believe that this could not be accomplished in the course of the next Session of Parliament.

The Marquess of CLANRICARDE asked if the Government would then bring in a Bill on the subject?

Earl GRANVILLE replied, that it would be the duty of Government to do so.

Lord CAIRNS said, the principle of this measure having been determined upon, the time fixed for the actual disestablishment ought not, in the interests of the Church, to be postponed longer than is really desirable. But, then, the question is, what is the really desirable period to fix? In this respect I do not think the Government stand committed, for the right hon. Gentleman the First Minister stated that, although the Government after consideration had arrived at the conclusion that January, 1871, was the best period to fix, they would not object to alter it if any reason could be advanced for doing so. Having considered the reasons given for altering that date, I am bound to say that they are not only satisfactory to my mind, but that great weight must be attached to the opinions entertained by the Irish Churchmen themselves upon the point. These persons, while not desiring to postpone the date unnecessarily, are in favour of the Amendment of the most rev. Primate, and that ought to weigh with your Lordships. One point which weighed with the members of the Irish Church, in causing them not to seek to postpone the date of disestablishment unnecessarily, is this — No vested interests can be created after the passing of the Bill, although there will be a clause providing for the commutation of those interests which are vested. Consequently, the longer the period of disestablishment is postponed, the larger the number of existing interests that will fall off, and the fewer will be the vested interests remaining to be commuted. A desire for delay, accordingly, is not one which is likely to be rashly entertained by the friends of the Church, since it must operate financially against its interests. Your Lordships must remember that the first work which the Church will have to undertake—a work which cannot be spoken of in too serious terms—is the re-construction of itself as a free and disestablished Church, a work only to be undertaken after mature deliberation, consultation, and advice, and after ascertaining the opinions entertained not merely by some central body, but through the various dioceses of Ireland. For myself, I do not think it possible to suppose that the whole of that can be done satisfactorily or completely in a shorter space than a twelvemonths. But it is not till after the central body has been constituted that this body will be in a position to deal with the Commissioners and incumbents as to the commutation of life interests. It is all-important, when the day arrives for the final disestablishment of the Church, that all the arrangements should be complete, so that the new Church may spring into action with whatever re-construction over the face of the country as to incumbencies may be agreed on. For the purpose of dealing with the various incumbents, who are something like 2,000 in number, another space of twelve months is absolutely necessary. Thus, the interval of two years asked for by the Amendment of the most rev. Primate, would seem to be not only reasonable, but, in the interests of the Church, absolutely indispensable.

LORD DENMAN protested that the vote to postpone disestablishment till 1872 did not bind him to support disestablishment. He regretted very much that some of the Spiritual Peers had admitted the principle, and he felt certain that if the country were appealed to that this measure would not be approved of by those capable of judging. When, in 1866, the Reform Bill was objected to by a distinguished Member of Her Majesty's Government (the Chancellor of the Exchequer), in "another place," because the franchise went so low as £7 rental, the right hon. Gentleman—whom he had just seen on the steps of the Throne — had expressed his fear that Bishops, the oldest part of the Constitution, would be excluded from the House of Lords; but he (Lord Denman) felt confidence in the constituency who, according to the franchise proposed to be given to Leeds in 1821, after Grampound was disfranchised, should pay scot and lot —not be paid for by their employers, but of their own free will—and he was sure, judging from the speeches in debate, that even if Bishops should each say *Nolo Episcopari*, that the Irish Spiritual Peers, of whom possibly one now on the English Bench (the Bishop of Peterborough) might have been one, would be greatly missed in this House. The question would be raised in Committee, but he was sure from what he had learned in travelling about lately, and from the fact that several most influential and experienced Members of the late Parliament had lost their seats, some having been rejected more than once, that the sense of the country was against disestablishment.

THE DUKE OF LEINSTER: I trust that no alteration will be made in the clause as it stands, for the result will be only to keep the country for another year in hot water.

THE EARL OF CARNARVON: I will endeavour to compress my ideas on this clause into almost as few words as those of the noble Duke. I own to considerable doubt as to the wisdom of this Amendment, because I do not think it advisable to prolong a period of difficulty and of pain to the Irish Church. At the same time I am staggered by what I have heard—namely, that it is the desire, the strong desire, of the Irish Church to have a little further extension of time in order to complete its arrangements; and I am assured, on authority which I can hardly doubt, that that anxiety proceeds not from any desire to embarrass the progress of the measure, but from an honest desire to give effect to the provisions of the Bill when it shall become law. For this reason, in spite of my own doubts on the subject, I should not be prepared to say "No" to the Amendment of the most rev. Primate.

On Question, That the word proposed to be left out stand part of the Clause? their Lordships *divided*:—Contents 74; Not-Contents 130: Majority 56.

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Leeds, D.
Somerset, D.

Ailesbury, M.
Camden, M.
Normanby, M.

Albemarle, E.
Camperdown, E.
Clarendon, E.
Cottenham, E.
De Grey, E.
De La Warr, E.
Denbigh, E.
Ducie, E.
Effingham, E.
Granville, E.
Kimberley, E.
Lichfield, E.
Minto, E.
Morley, E.
Russell, E.
Sommers, E.
Spencer, E.
Suffolk and Berkshire, E.

Falmouth, V.
Halifax, V.
Leinster, V. (*D. Leinster.*)
Sydney, V.
Torrington, V.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Camoys, L.
Carew, L.
Charlemont, L. (*E. Charlemont.*)
Chesham, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Clermont, L.
Dacre, L.
De Tabley, L.
Fingall, L. (*E. Fingall.*)
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Hastings, L.
Hatherton, L.
Houghton, L.
Keane, L.
Leigh, L.
Lismore, L. (*V. Lismore.*)
Lurgan, L.
Lyveden, L.
Methuen, L.
Monck, L. (*V. Monck.*)
Monson, L.
Mont Eagle, L. (*M. Sligo.*)
Northbrook, L.
Panmure, L. (*E. Dalhousie.*)
Petre, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Romilly, L.
Rossie, L. (*L. Kinnaird.*)
Seaton, L.
Seymour, L. (*E. St. Maur.*)
Somerhill, L. (*M. Clanricarde.*)
Stafford, L.
Stourton, L.
Sudeley, L.
Sundridge, L. (*D. Argyll.*)
Taunton, L.
Truro, L.
Wentworth, L.
Westbury, L.

*The Earl of Carnarvon*

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Dublin, Archp.

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Richmond, D.
Rutland, D.
Wellington, D.

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Salisbury, M.
Tweeddale, M.
Winchester, M.

Amherst, E.
Bandon, E.
Bathurst, E.
Brooke and Warwick, E.
Brownlow, E.
Carnarvon, E.
Cawdor, E.
Devon, E.
Ellenborough, E.
Ellesmere, E.
Erne, E.
Feversham, E.
Graham, E. (*D. Montrose.*)
Grey, E.
Hardwicke, E.
Harrington, E.
Harrowby, E.
Hillsborough, E. (*M. Downshire.*)
Home, E.
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Lauderdale, E.
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Mount Edgecumbe, E.
Nelson, E.
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Powis, E.
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Rosse, E.
Scarbrough, E.
Selkirk, E.
Shaftesbury, E.
Stanhope, E.
Strange, E. (*D. Athol.*)
Tankerville, E.
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Bangor, Bp.
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Durham, Bp.
Gloucester and Bristol, Bp.
Llandaff, Bp.
London, Bp.
Rochester, Bp.
St. David's, Bp.
Tuam, &c., Bp.

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Bateman, L.
Blantyre, L.
Bolton, L.
Brodrick, L. (*V. Midleton.*)
Cairns, L.
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Chelmsford, L.
Churston, L.
Clarina, L.
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Colchester, L.
Colonsay, L.
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Crewe, L.
Crofton, L.
Delamere, L.
Denman, L.
De Ros, L.
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Dunboyne, L.
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Dunsany, L.
Egerton, L.
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Saltoun, L.
Scarsdale, L.
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Sinclair, L.

Skelmersdale, L.
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Talbot de Malahide, L.
Templemore, L.
Walsingham, L.
Wemyss, L. (*E. Wemyss.*)
Wynford, L.

*Resolved* in the *Affirmative.*

The Bishop of GLOUCESTER and BRISTOL said, he had given notice of a proviso to be added to the clause, to the effect that nothing contained in the Bill should prevent anyone now or hereafter to be ordained by the Irish Church from holding preferments in England and Wales, if he should have obtained the consent in writing of the Bishop of the diocese and of the Archbishop of the province. He had, however, received excellent counsel on the subject, and it was his intention not to move the proviso until the bringing up of the Report, when he should be able to present it in an altered and improved form.

The Marquess of SALISBURY suggested the desirability of inserting in the clause some description or definition of the formularies of the Church of England, for it was very uncertain what formularies the new Church of Ireland would adopt.

The Duke of RUTLAND said, he had given notice of a Motion to omit this clause altogether, because it did away entirely with the Queen's supremacy; whereas, in his opinion, it was of very great importance that the Queen's supremacy should be maintained in all cases, ecclesiastical as well as civil, throughout her dominions. He also held that the Queen's supremacy was necessary, in order to regulate and control the new Church, which was to be founded upon the ruins of the old Church. The right rev. Prelate who had addressed their Lordships this evening, had expressed a hope that the new Church would be one in discipline and in doctrine with the Church of England. He also hoped that such might be the case; but, in order to attain that result, it was of very great importance that the Royal supremacy should be preserved as the great security for the unity and oneness of the United Churches of England and Ireland. He further objected to the clause, because its Parliamentary language destroyed the union between the two Churches. But it could only do that by dissolving the 5th Article of the Act of Union, which Article was, in his judgment, an essential part of the Act itself. This had been already stated to their Lordships by himself and other noble Peers, and no answer had yet been given to the objection. He wished to enter his protest against the clause; and, if there were any chance of success, he would certainly divide the Committee against it.

The Bishop of LICHFIELD expressed a hope that the noble Duke would divide the Committee, in order that those who, like himself, felt strongly upon this subject, might have an opportunity of recording their vote against it. The clause was, in reality, contrary to the very principle on which the Bill professed to be based; for the disestablishment of the Church of Ireland would destroy the equality which existed between the different denominations in Ireland, and would establish the Church of Rome more firmly than it was established at present. The Church of Rome was already an established Church in that country, in all essential particulars. What, he would ask, were the essentials of an Established Church? First of all, there was supremacy, which, unquestionably, existed in the Church of Rome. The second essential of an Establishment was the appointment of officers. Now, everyone was aware that, in spite of the Ecclesiastical Titles Act, of 1850, the Pope had continued to appoint in this country officers with territorial titles, from cardinals downwards, and these officers occupied a more independent position than any Archbishop or Bishop of the Established Church. Well, would any Roman Catholic assert that the Established Church was degraded by Her Majesty's appointment of Dr. Trench to the archiepiscopal see of Dublin, any more than his own community would be degraded by the Pope appointing Dr. Manning to the archiepiscopal see of Westminster? The two cases were, indeed, strictly parallel, for in Ireland the Protestant Church was in a minority, while in England the Roman Catholic Church was in a minority. He wished to speak, more by way of protest, than of argument; but he would point out that the third point of an Establishment was the right of appeal. It was well known that every Roman Catholic could carry his cause to Rome, as the final court of appeal; and at the present time, the Prelates, clergy, and laity of the

Irish Established Church could carry their appeals to the Queen in Council. The Bill would, however, take away that right. The professed object of the Bill was to secure the equality of all religions in Ireland; whereas, this clause established the most fatal inequality of the Protestant Church. The Church of Rome would be like the ivy, which would continue to cling to the wall to which it had clung for centuries; while, in the case of the Protestant Church, it was proposed to tear down the ivy from the wall, and bid it to grow up for the future without any support.

THE BISHOP OF OXFORD said, if his right rev. Friend intended his speech as a protest, he might have chosen a better form of protesting, while, if it was intended as an argument, it was an entirely fallacious one. He differed from his right rev. Friend on this point, although he agreed with him that the disestablishment of the Irish Church was a great misfortune. When he heard the argument of his right rev. Friend he was lost in astonishment, for according to it the Roman Catholic Church was at the present moment the Established Church of England, Ireland, and Scotland. But what was the meaning of an Established Church? It was a Church with which the State had so identified itself that the courts of that Church were the courts of the Queen. How, then, could it be said that after the passing of that Bill the Roman Catholic Church would be the Established Church of Ireland? It would be so in no sense whatever. The Roman Catholic Church in Ireland would be enabled to appeal privately to Rome; but the sentence of no one of its courts would be taken up by any court of Great Britain and administered as being the decision of a court. The disestablishment of the Irish Church was a great evil; but to tell them that the evil of it was that it would leave the Roman Catholic Church in Ireland as an Established Church was nothing more than a play upon words, and was simply trifling with their Lordships.

EARL STANHOPE said, he hoped the right rev. Prelate (the Bishop of Lichfield) would not divide the Committee on the clause. After the second reading of a Bill was affirmed, it was usual to go into Committee to consider the clauses, and amend them if amendment was desirable, but not to attempt to defeat the very principle of the Bill. He felt that so strongly that, although for reasons which were satisfactory to themselves, he and others had refrained from giving any vote on the second reading, yet if the right rev. Prelate persisted in dividing the Committee, he would most assuredly give his vote for the retention of the clause.

THE BISHOP OF LICHFIELD explained that he had not said he would divide the Committee against the clause, but that if the noble Duke (the Duke of Rutland) did so he would go into the same Lobby with him.

LORD CHELMSFORD said, he felt as strongly as any of their Lordships on the proposed disestablishment of the Irish Church, and had expressed his objections to it in the debate on the second reading. But the House having decidedly affirmed that principle by its vote on the second reading, he thought it would be most improper now to agitate that question again.

LORD LYTTELTON said, the view of the noble Duke and those who agreed with him seemed to him to be the very essence of Erastian tyranny, because while it would deprive the Irish Church of every advantage of establishment, it would leave her subject to all the disadvantages, all the bondage, and all the fetters arising from establishment. He hoped the Irish Church when disestablished would enjoy entire freedom to unite herself with the Church in England or not as she might choose.

THE DUKE OF RUTLAND said, he would divide against the clause.

LORD CAIRNS said, he hoped his noble Friend would even yet change his intention. If there was anything whatever decided by the division upon the second reading it was the question that was contained in that clause, and he must certainly enter his protest against taking over again upon single clauses divisions on questions which had been already decided on the second reading. For himself he agreed in most of that which had been said against the clause; but if a division upon it were pressed by the noble Duke he could not accompany him into the same Lobby.

THE EARL OF COURTOWN said, that he, in common with many other Irish Churchmen, while deeply deploring the separation of Church and State in Ireland, was strongly of opinion that if that separation took place it must be thorough, and that they should be entirely free from any State control. He had before him a Resolution which was passed almost unanimously at a large meeting of the Standing Committee of the Irish Church Conference, which expressed those sentiments.

On Question, That the clause, as amended, stand part of the Bill?

*Resolved* in the *Affirmative.*

*Constitution and Powers of Commissioners.*

Clause 3 (Appointment of commissioners).

The Archbishop of CANTERBURY *moved,* in line 11, after "person," to insert "being a member of either of the said Churches, or of the said United Church."

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 4 (Quorum of commissioners).

Viscount MONCK *moved,* in line 24, to substitute for "two commissioners at least," "the three commissioners," with a view to insure that the Commissioners should have the assistance of the legal member of the Commission in hearing appeals.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 5 (Appointment of officers) *agreed to,* with verbal Amendments.

Clause 6 (Salaries and expenses).

Earl GREY asked whether Mr. Justice Lawson was to receive a salary of £2,000 a year in addition to his salary as a Judge of the Court of Common Pleas in Ireland?

Earl GRANVILLE said, the salary was not to exceed £2,000 a year.

The Earl of KIMBERLEY said, that all the expenditure would be under the control of the Commissioners of the Treasury, and all persons appointed by the Commissioners, as clerks, actuaries, surveyors, and to other similar offices, would be so appointed subject to approval by the Treasury.

Lord CAIRNS said, he had not the slightest confidence in the Commissioners of the Treasury as controllers of expenditure which did not come before the House of Commons in the annual Budget.

Viscount MONCK remarked, that the Commissioners would have their accounts overhauled by the Board of Audit as well as by the Treasury.

The Marquess of SALISBURY said, the Board of Audit would not check the accounts; it would see only that the officer appointed was not paid more than the salary fixed by the Bill. He had the greatest respect for the Commissioners; they were, as they had been described, very respectable men, and received very respectable salaries; but, that there might be some check upon them, he moved the rejection of the fourth sub-section of the clause, which provided that "all incidental expenses of carrying this Act into execution" should be paid by the Commissioners.

Earl STANHOPE said, the better course would be to postpone the clause until the information as regards salary was furnished. He moved that the clause be postponed.

Earl GRANVILLE said, he would obtain the desired information as speedily as possible.

The CHAIRMAN of COMMITTEES said, that the clause having been amended it could not now be postponed.

Viscount MONCK *moved* an addition to the fourth sub-section of Clause 4, making it read as follows:—

> "All incidental expenses of carrying this Act into execution, including such outlay as the Commissioners may deem reasonable incurred by any person in proving his claim under this Act."

Amendment *agreed to.*

Question put, That the clause, as amended, stand part of the Bill.

Several noble Lords declaring themselves Not Content,

Earl GRANVILLE said that, considering the majority which appeared on the last division, he would not trouble their Lordships to divide. He appealed to their Lordships to consider whether they would reject the clause altogether when all the information that was desired could be supplied on the Report?

Lord CAIRNS said, they were really fighting about nothing. A question had been put which required an explanation to be given, and he understood the noble Earl was not in a position to inform the Committee as to the official position of one of the Commissioners and the arrangements that were to be made as to his official salary. They could well pass the clause with the understanding that a satisfactory explanation should be given afterwards.

Clause *agreed to.*

Clause 7 (Powers of commissioners.)

Lord WESTBURY *moved*, in line 8, leave out ("they may deem it expedient or") and insert ("it may be"). Line 10 after ("the") insert ("due"). The noble Lord commented upon the character of the court that was to be created, and the extent and variety of the jurisdiction it would possess, and he expressed the opinion that the noble Lord who was to be one of the Commissioners (Viscount Monck) would accept the proposed limitation of the almost unlimited and uncontrolled discretion of the Commissioners.

The LORD CHANCELLOR said, the clauses were taken from the Encumbered Estates Act, which constituted a peculiar tribunal for trying cases which were limited in their duration. It was, of course, expedient that the powers of this Act should expire within a short time and if the noble and learned Lord thought the words necessary which he proposed, he could see no objection to them.

Amendments *agreed to.*

Lord WESTBURY proposed to amend the clause by striking out from the matters with respect to which the Commissioners should have the powers of the High Court of Chancery in Ireland, the power of punishing persons "guilty of contempt."

Lord PENZANCE reminded their Lordships that every court in the kingdom which was a court of record, and had the power of investigating questions by the examination of witnesses, required to be furnished with the means of preserving order. The power of committing for contempt was inherent in every court of law in this country. It was not conferred by statute, but was in the very nature of things. It was now intended that the Commissioners should enforce the attendance of witnesses, conduct their investigations with all the solemnity and decency attaching to a judicial tribunal, and yet his noble and learned Friend proposed to deprive them of a power which was possessed by every coroner and every quarter sessions in the kingdom. He trusted their Lordships would not consent to the Amendment.

Lord CHELMSFORD said, he could not agree with his noble and learned Friend. The power which was proposed to be conferred on them did not extend only to the preservation of order within the court, but to the publication of a libel. Now, it was quite possible that the proceedings of the court might occasionally be the subject of observations which might not be agreeable to the Commissioners, and which they might consider to be contempt. If that were to happen and an individual were committed for contempt of court, he would not have his ordinary relief of Habeas Corpus, for the court before which the writ was moved would have no means of inquiring into the nature of the contempt. They must take the contempt on the authority of the Commissioners. He was therefore unwilling to give this new court the power of committing for contempt.

The LORD CHANCELLOR reminded the House that this was a court instituted to administer justice between several parties, and if the House were to refuse it the power which every other court in the kingdom possessed they would place it in the position of not being able to discharge those duties which they were all anxious it should discharge. He would remind their Lordships that among the Commissioners was one eminent Judge who, from his experience, knew well what was the proper exercise of that power, and two others who were all members of the Church of England. It was surely going too far to say that these gentlemen would exercise their power in an arbitrary manner; that they were not to be trusted with a power with which every other court in the kingdom was trusted; that it would not be safe to put into their hands powers without which the due administration of their functions could not be carried on. His noble and learned Friend (Lord Chelmsford) had suggested that they might commit for contempt on account of remarks made in a newspaper. Now, undoubtedly, foolish remarks did sometimes appear in the newspapers, though he thought the Judges were more foolish who took notice of them. But he would put a case which might more frequently occur, and which would be much more detrimental to the interests of justice—he meant the use of improper remarks tending to excite prejudice against suitors in the court. He had himself occasion more than once to commit parties for that offence in the Court of Chancery, and he would appeal to their Lordships if that was not much more likely to happen in Ireland. But, besides that, the Commissioners ought to have the power of preserving order in their own court, and it would, indeed, be singular if their Lordships were to refuse to these Commissioners the power which was possessed by every coroner in England.

LORD ROMILLY said, he wished to add his opinion to that of his noble and learned Friend. He would remind their Lordships that this was not a question which affected the merits of the Bill. It did not go into the question of disendowment or disestablishment; it was only to give the Commissioners a power without which it would be impossible for them to execute the duties which this House was about to impose upon them. It should be remembered that the proceedings of the court would be all in public, and this would be a security for their proceeding with decency and propriety. If this power were not given it would be in the power of parties to insult them, to describe their conduct as prejudiced and partial, and they would have no power to put an end to these discreditable scenes. He could not therefore vote for the Amendment of his noble and learned Friend.

THE BISHOP OF PETERBOROUGH said, he would not say a word on the question of law, but he must make a few remarks on behalf of those for whom he was deeply interested—he meant the clergy. Their Lordships must remember that this was a court of a peculiar kind. In ordinary cases the Judges had to decide between two opposing parties, having no interest themselves in the trial. But in the present case it might well be that the suit to be tried was between a clergyman on the one side and the Judges themselves on the other, as the Commissioners would be anxious to secure as much property as they could for the surplus. In the place of the present Commissioners they might have others who might possibly attempt to enforce harsh decisions. They might also construe into contempt the conduct of a curate from the country, who too strongly pressed his case. It should also be borne in mind that this power of commitment for contempt might be exercised in private as well as public. The most rev. Prelate, for instance, might be summoned before a Commissioner in the back parlour of an inn, and if anything were said that was displeasing to the Commissioner the Archbishop might be committed for contempt. He most earnestly, but respectfully, protested against the granting of such a power.

LORD CAIRNS agreed that it was a very serious thing to confer such a power without knowing who the future Commissioners might be. It had been said that the Encumbered Estates Court had such a power; but the members of that court were lawyers of considerable experience. Their business also was really judicial business, and it was a court sitting in the face of day. The Commissioners, however, would not for the most part of their time really be a court at all, and their principal business would not be forensic but official business. The noble and learned Lord opposite (the Lord Chancellor) had stated that the power of committal would have the effect of keeping a check on letter writing to the newspapers whilst a case was pending, and that a coroner's court possessed the same power. He (Lord Cairns) denied that any coroner had the power of committal that would affect a person who wrote to the press, and that was a power that he should not like any coroner's court, or the proposed Commissioners to possess. He would propose that if the power were given at all, the contempt for which there could be a commitment must be committed in the face of the court whilst sitting as such.

LORD WESTBURY observed that there was no obligation upon the Commissioners to sit in public, and any one of them might sit and commit for contempt persons who appeared before them. It would be a very serious thing to give power to commit for words written or spoken out of court, and especially if any one Commissioner could exercise that power.

LORD PENZANCE suggested, as a solution of the difficulty, the Amendment of the clause by the insertion of words giving the power to commit for contempt "in the presence of the Commissioners, or any of them, sitting in open court."

Amendment *agreed to.*

[*Committee—Clause* 7.

LORD WESTBURY suggested that there should be an appeal from the Commissioners to the Court of Chancery.

THE LORD CHANCELLOR opposed this, on the ground that it was desirable that these matters should be settled with as little delay as possible. If an appeal to the Court of Chancery were allowed, it would imply an appeal to their Lordships' House, and this would involve much delay.

LORD CAIRNS thought it desirable that the view of the noble Lord (the Lord Chancellor) should be adopted.

Clause, as amended, *agreed to.*

Clause 8 (Forms of application, and general rules).

LORD WESTBURY *moved*, in line 42, after the word ("same") insert—

("Any person aggrieved by such general rules, or any one of them, may apply to the Lord Lieutenant in Council, by Petition to be served on the Commissioners, and the Lord Lieutenant in Council may annul or vary such rules, or any of them.")

THE LORD CHANCELLOR said, that these clauses were taken from the Encumbered Estates Court Act.

LORD CAIRNS said, his noble and learned Friend was in error in supposing that the clause in the Bill had been taken from the Incumbered Estates Act. That clause distinctly provided that any rules made by the court should not come into force till they had been approved by the Privy Council, and enrolled in Chancery.

THE LORD CHANCELLOR said, he was not previously aware of the words read by his noble and learned Friend, but he had no objection to adopt them.

Clause amended accordingly, and *ordered* to stand part of the Bill.

Clause 9 (Duration of office, and restriction on sitting in Parliament).

LORD WESTBURY *moved* in line 7, to leave out "ten" and insert "five;" and in line 9, after the word ("Parliament") insert—

("But Her Majesty shall have power, by Order in Council, to direct that the Commissioners shall continue to hold their office for a further period not exceeding five years.")

EARL GRANVILLE said, the question had been carefully gone into as to the probable length of time required for the work of the Commission, and it was believed to be utterly impossible that the affairs of the Commission could be wound up in so short a period as five years. The Commissioners had undertaken to do their best in dealing with a most difficult question, and his conviction was that, after the business was really over, they would not wish to prolong the duration of the Commission.

LORD CHELMSFORD said, it was agreed on all hands that the Commissioners could not have been better chosen, and there need be no hesitation in retaining their services as long as was thought necessary.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 10 (Prohibition of future appointments) *agreed to.*

House adjourned at half past Twelve o'clock A.M., to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 29th June, 1869.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Railways Abandonment* [186]; Pensions Commutation* [187].

*Second Reading*—Stipendiary Magistrates (Deputies)* [176].

*Committee*—University Tests [15]—R.P.

*Committee—Report*—Debts of Deceased Persons* [165]; Medical Officers Superannuation (Ireland)* [48-185]; Courts of Justice Salaries and Funds* [96].

*Considered as amended*—Imprisonment for Debt [179]; Special Bails* [162].

*Third Reading*—Court of Session Act (1868) Amendment* [145]; Greenwich Hospital* [105], and *passed.*

The House met at Two of the clock.

### IMPRISONMENT FOR DEBT BILL.

(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer.*)

[BILL 179.] CONSIDERATION.

Bill, as amended, *considered.*

THE ATTORNEY GENERAL *moved* to insert, after Clause 17, new clauses.

(Application of Vexatious Indictments Act to offences under this Act.)

(Justice of the peace becoming bankrupt or arranging with creditors.)

Clauses *ordered* to be *added* to the Bill.

*Lord Penzance*

Clause 5 (Saving of power of committal for small debts).

MR. SERJEANT SIMON moved to omit the first paragraph—

> "Subject to the provisions hereinafter mentioned any Court may commit to prison for a term not exceeding six weeks any person who makes default in payment of any sum due from him in pursuance of any order or judgment of that or any other competent Court."

It provided that the proof of the means of the person making default may be given in such manner as the Court thinks just. Now, that was a new paragraph, and was not in the Bill when it was originally drawn. His attention was called to it for the first time in the reprinted Bill last night. He submitted that this was a power which ought not to be given to any Judge, who might declare an affidavit sufficient, and such affidavit might be cooked up behind the back of the party immediately concerned. It was a power which was not conferred upon the Judge of any court of law, and, in his opinion, one that deeply affected the liberty of individuals. He begged to move that the paragraph be expunged.

Amendment proposed, in page 2, line 15, to leave out from the word "Subject," to the word "court," in line 18, both inclusive.—(*Mr. Serjeant Simon.*)

THE ATTORNEY GENERAL said, he had some reason to complain of the course pursued by the hon. and learned Serjeant. This proviso had not been introduced at the last moment into the Bill, but it had been discussed three several times when the measure was in Committee. Upon the first occasion when the House went into Committee it was fully discussed, and it was in deference to what he understood to be the general feeling of the Committee that he introduced this clause, which had been very carefully prepared. On the second day the Committee met the matter was also discussed, and the words to which the learned Serjeant took exception were adopted without objection. A third time the whole question was re-opened by the hon. and learned Member for New Ross (Mr. M'Mahon), the learned Serjeant was in the House, and had, or ought to have had, the words of the clause before him, and yet it was passed. The effect of the clause was to maintain to the County Court Judges the jurisdiction they at present possessed, so far as related to the imprisonment of a man who could pay his debts and would not; and it was provided that this jurisdiction should be extended to the Superior Courts. But, so far from a County Court Judge being enabled to exercise this jurisdiction as he pleased, the learned Serjeant would see, if he read the clause, that rules and regulations for the purpose of exercising this jurisdiction of the County Courts would be framed by three County Court Judges, to be selected by the Lord Chancellor, and the rules were to be approved by him; and as regarded the Superior Courts they were to be framed by the Lord Chancellor, assisted by the Judges of those Courts. The hon. and learned Serjeant, therefore, was wrong, not only in the whole of his facts, but also in his law.

MR. HADFIELD strongly objected to the clause. It would be better for the country, as a matter of pecuniary arrangement, to pay every debt for which those poor creatures would be sent to prison, than to keep them there and incur all the cost of their maintenance. He should like to hear from the Attorney General how often a man might be imprisoned for a debt of 10*s*.

MR. NEWDEGATE wished to ask if the rules were to apply to persons tried for the fraudulent contraction of debts for large amounts as well as to small sums incurred probably for temporary subsistence. If the rules were not to be analogous in the case of men who contracted debts to the amount of thousands and hundreds of thousands with those for them who contracted debts of a few shillings, great discontent would prevail. He was strongly in favour of the clause, but it ought to apply equally.

MR. ASSHETON CROSS desired some information with reference to the manner in which those who had contracted debts by fraud were to be dealt with when they were imprisoned. There were no less than ninety-one debtors of this class at present in Lancaster Castle, and they were confined in a large yard, with nothing in the world to do. So heavily did the time hang on their hands that they were glad to do some trifling work by which they earned 1*d*. a day, while they were being maintained at an enormous expense by the country. He did not think that this was an advantageous state of things for either the country, the creditors, or the debtors. If a man had committed fraud, he ought to be properly punished, and not merely shut up with a number of others to pass his time in idleness.

THE SOLICITOR GENERAL, in reply to the observations of the hon. Member for South-west Lancashire, stated that the debtors who were confined for wilfully neglecting to pay their debts were imprisoned as first-class misdemeanants. It was not quite correct to say that they were sent to prison for a punishment—they were sent there to compel them to pay debts which they were supposed to have it in their power to discharge. With regard to cases of commitment from the Superior Courts, the law in that respect remained unaltered. He entirely sympathized with the remarks of the hon. Members for North Warwickshire and for Sheffield (Mr. Newdegate and Mr. Hadfield) to the effect that persons who had contracted debts, whether large or small, by fraud, should be treated upon an equal footing; but they were inapplicable in the present instance, because all provisions relating to debts contracted by fraud had been struck out of the Bill. In reply to the question of the hon. Member for Sheffield, he had to state that the County Courts could, at present, commit only upon being satisfied that a person was contumaciously refusing to pay a debt which it was in his power to discharge. If the Government could have seen their way to carry this measure without this provision they would willingly have omitted it; but they had been informed upon sufficient authority that the County Court system as at present constituted could not be carried on without it.

MR. BARROW objected to the power of imprisonment contained in the clause. A man was committed, and then re-committed, when the first committal had been the means of preventing him from earning any money.

MR. STAPLETON was opposed to the clause. It was possible that a man who had not the means of paying might be committed under it.

MR. BRUCE said, that several defaults might be made in respect of the same debt, and in that case the County Court Judge had the power to commit for each default. A debtor was liable to imprisonment as often as it was supposed he had the means to pay, but refused to do so.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

MR. SERJEANT SIMON moved, to omit paragraph 4 of Clause 5—

> "Any jurisdiction by this section given to the Superior Courts may be exercised by a Judge sitting in Chambers, or otherwise, in the prescribed manner,"

the effect of which, he said, would be that the Judge, on the hearing of a case, and as soon as he had given judgment, would be competent to commit a defendant at once to prison if he believed he had the means of payment.

Amendment proposed, in page 2, line 34, to leave out from the word "Any," to the word "manner," in line 36, both inclusive.—(*Mr. Serjeant Simon.*)

THE ATTORNEY GENERAL said, that the paragraph only retained a power to the County Court Judges which they already possessed.

MR. WALPOLE said, he thought the clause as drawn turned on the question whether default had been made in pursuance of the order and judgment; but the paragraph to which objection was taken would give the Judge power then and there, at the time of hearing to imprison the party. That could not be intended, because it would be contrary to the first part of the clause.

SIR ROUNDELL PALMER said, he did not understand the paragraph in the same sense as the hon. and learned Serjeant. If, at the hearing of the cause, it should be shown to the satisfaction of the Judge that the party was able to pay the Judge would make an order for payment on a day to be named, and if he disregarded that order then he might be committed to prison.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

MR. STAPLETON said, that the object of the Amendment he was about to move was to spare the rate-payers the expense of maintaining these prisoners in gaol. He observed that they were not put to hard labour, and had very little inducement to exert themselves to get their term of imprisonment diminished. Many of them who were poor men were as well off in prison as at home. He thought that when the creditor was able to do so he ought to bear the expense of putting his debtor in prison. On the other hand he was willing to let the expense fall on the rate-payer when the creditor was unable to bear it himself. He had drawn the clause with great care to avoid the infliction of hardship on the necessitous creditor. He thought his clause would meet the views of the County Court Judges, who, though anxious to preserve the power of imprisonment, wished to have their hands strengthened against the tallymen. The power of imprisonment was now reserved in one case only—that of a debtor who could pay and would not. So restricted it amounted simply to a mode of collecting debts from reluctant debtors. Now he put it to the Committee, as a proposition in political economy altogether beyond dispute, that it could not be for the benefit of the community that a trade should be carried on which could not bear its own expenses, and one of these was the collection of debts. If the tallyman had to bear the expense of imprisoning his debtors, he would alter his mode of dealing if he found the expense was eating up his profits. He would be more cautious in giving credit. He would be less ardent in pushing his trade. He would act in conformity with the public interest, because his private interest would be in conformity with the public interest. But as the law now stood he was enabled to throw the expense of collecting his debts on the public, and so carry on with profit to himself a trade which might in reality be a losing trade. He forced the rate-payers into an unnatural partnership with him, the conditions of which were that they should get none of the gains, but bear the larger share of the losses. It might be urged that the Attorney General merely left the law as it was. But this was not so—he had taken the law and re-modelled it. He had extended it to debts above £50, and he had taken it away where the debtor was unable to pay, although the debt had been fraudulently contracted. They must, therefore, consider it as a new law, which they were enacting for the first time, and should not send it forth with such an imperfection in it.

Amendment proposed,

In page 2, line 43, after the word "person," to add the words "That, in every case in which such jurisdiction is exercised, the Court shall make an order on the creditor at whose suit any person is committed to prison, for payment into Court of such sum as it shall deem sufficient to pay the costs of committal and the maintenance of the person imprisoned during the term of his imprisonment, unless it shall be of opinion that the creditor is not of sufficient ability, on account of poverty, to pay the whole or any part of such expenses, in which case it shall make an order for payment into Court of part of such expenses, or shall certify the inability of the creditor to pay any part of such expenses as the circumstances of the case may be; and such officer as the Court may designate shall inform himself, and his evidence shall be sufficient as to the proper amount of such expenses; and the treasurer of the Court shall be accountable to the clerk of the peace or town clerk, as the case may be, of the county or borough in which such person is imprisoned for such expenses when ordered to be paid into Court to the amount so ordered, and shall be accountable to the creditor for any sum which may remain after such accounting as aforesaid; and no order of committal shall be executed until payment into Court shall have been made of any money so ordered to be paid into Court."—(*Mr. Stapleton.*)

THE ATTORNEY GENERAL said, he could hardly suppose that the hon. Gentleman was serious in proposing that the creditor should keep the debtor in prison at his own expense. The object of imprisonment was to enable poor creditors to recover their debts. If a labourer earning 15*s.* a week imprisoned his master for refusing to pay the wages when he had the means to do so, then the labourer was to be called on to allot a certain portion of his weekly earnings for the maintenance of his master in prison. It would be fining a poor man for no fault of his own. It was impossible for him to entertain such an Amendment.

Question, "That those words be there added," put, and *negatived.*

MR. SERJEANT SIMON, adverting to Clause 11, said, that the effect of that provision was that if a person did not do certain stated things he should be deemed guilty of misdemeanour, and be liable to two years' imprisonment with hard labour, unless the jury were satisfied that he did not abstain from doing those things with intent to defraud. This introduced a new principle in criminal law, for it had hitherto been held that the accused was to be deemed innocent until found guilty, and that where doubt existed the benefit of that doubt was to be given in his favour. It might be said the objection was a lawyer's objection; but the phraseology of the clause involved a substantial question, and reversed the ordinary rule of our criminal jurisprudence—that the accused should have the benefit of a doubt. He moved the omission of certain words and the addition of others.

Amendment proposed, in page 4, line 23, after the word "If," to insert the word "with intent to defraud."—(*Mr. Serjeant Simon.*)

MR. ANDERSON observed that the string of Amendments of which his hon. and learned Friend had given notice were Amendments of alterations introduced by him, and if the words proposed to be inserted by the hon. and learned Sergeant should be preferred by the Attorney General, he should of course have no objection to his phraseology being corrected. It was, however, rather a lawyer's than a merchant's question.

SIR ROUNDELL PALMER denied that the clause threw the *onus probandi* on the wrong party. The language of the clause was not the best, but the words of the Amendment were less suitable for the purpose for which they were intended. The criticism of the hon. and learned Serjeant was only a verbal one.

MR. RATHBONE said, he hoped the hon. and learned Serjeant's Amendment would not be adopted.

THE ATTORNEY GENERAL said, the words which had been inserted were rather in favour of the accused. He thought it would be better to retain them.

Question, "That those words be there inserted," put, and *negatived.*

An Amendment made.

Bill to be read the third time upon *Thursday.*

## UNIVERSITY TESTS BILL—[BILL 15.]

(*Mr. Solicitor General, Mr. Bouverie, Mr. Grant Duff.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BENTINCK said, he had placed on the Paper a Notice of Amendment, not only with a view of taking the sense of the House upon it if his friends should desire it, but in order that there might be some discussion on the principle of this important Bill. He was quite aware that his hon. and learned Friend (the Solicitor General), who was for the time the promoter of this measure, might say, as he said before, that no discussion was necessary, and that discussion of it was mere waste of time. But the discussion last year was defective on two very material points. At that time neither the House nor the country had realized the principle of disestablishment, then enunciated for the first time. They did not know how far the right hon. Gentleman proposed to go, nor did they then foresee that this Session he would occupy the Treasury Bench, surrounded by Members of a Cabinet, some of whom had for many years been most determined opponents of all establishments. Again, the debate of last year had another peculiar feature—it was a proposition, a curriculum so to speak, for the election contest then about to ensue in order that Radical candidates might denounce their opponents, and every effort was made by Members opposite to misrepresent the action of the Conservative party on this question, and to prejudice the public mind unfavourably with regard to it. In proof of that assertion he would refer to a speech made by the hon. Member for Stoke-upon-Trent (Mr. Beresford Hope), which appeared next day in the first person in a morning journal devoted to ultra-Liberal politics, and went far and wide through the land. And what was the climax of that speech? It was that the hon. Gentleman had gone into a smoking-room and seen half-a-dozen young gentlemen playing at billiards who owned as many millions of property, but could not get a decent education because they were sons of Dissenters. Although such a statement might do very well for an article in the *Morning Star* and for an ignorant class of electors such as seemed to exist at Stoke-upon-Trent—it was utterly without foundation as every reasonable being must know. Members on that (the Opposition) side of the House most strongly repudiated the attempts made to charge them with injustice to Dissenters. He had always maintained in that House and elsewhere that the Universities were national institutions, and that the Dissenters should be admitted without tests; that they should be allowed not only to take degrees, but also to vote as members of Convocation or members of the Senate, and be permitted to establish their own Colleges or Halls if they thought fit to found such institutions. Holding those opinions he could not see how Dissenters could in justice or equity claim to form part of the Governing Bodies of Church of England Colleges. It is time there was a great distinction between property acquired by the Colleges before the Reformation and property acquired after; but it must be remembered that the pre-Reformation endowments were held exactly by the same title as Church property generally throughout the country, and the same principle must apply to both—many Nonconformists, no doubt, were opposed to all endowments—but as regarded Roman Catholics, considering that if there was anybody which had ever struggled to retain every scrap of property it was the Roman Catholic Church, he could not see how they could support this Bill. Some time last year there appeared in the *Tablet*, which he was informed was the principal organ of the Roman Catholics of this country, an article which said that when they came to the question of principle it was impossible for any Roman Catholic to vote for the Bill; but it must be remembered that the Church of England did not teach truth, and therefore Roman Catholic Members were enabled to support it. But, as the question of denominational education abroad was now occupying the attention of those who were most attached to the principles of the Church of Rome, he hoped Roman Catholic Members would pause before they supported a Bill which was an abnegation of the principles most dear to their Church. By the policy pursued towards the Irish Church he (Mr. Bentinck) insisted that the issue on this question was now altogether changed from that of last year, and it was absolutely necessary before this Bill passed that the House should receive from Her Majesty's Government some enunciation of the principles upon which they were about to proceed with regard to the Church of England. He viewed with great regret the state of the Treasury Bench, without one of the responsible Ministers of the Crown in his place—the result, no doubt, of those disastrous Morning Sittings when Ministers could not be in two places at once. The Government should declare their views and submit a measure as a final settlement. If they proposed a scheme leaving the government of the Church Colleges in the hands of the Church, and establishing a certain number of Fellowships, in the nature of Exhibitions which might be held by individuals who were not members of the Church of England, it would meet with no objection from the Opposition side of the House, but what they objected to were "little tinkering measures"—a favourite expression of the right hon. Member for Birmingham—which were merely instalments of something else. His hon. and learned Friend had talked to them about not hoisting the flag of "No Surrender!" which was sure to be torn down. With a majority of 115 at his back, it was easy for his hon. and learned Friend to say that. And now they were told to be wise in time. But the ultra-Dissenters, upon whom his hon. and learned Friend depended for his election at Exeter, would be satisfied with nothing less than the destruction of the Church of England; and a great measure of that kind lay behind, and would make its appearance when this little measure was got rid of. If there was one individual who ought to be in his place on this occasion it was the Prime Minister. He did not suppose the right hon. Gentleman would refer him to his past career; for if there was one question upon which the right hon. Gentleman had been more erratic than another, it was this University question. The last speech he delivered on this subject was spoken on the 14th of June, 1865. The right hon. Gentleman said that there were then two real questions before the House. The first being whether University education could be separated from the spirit of a distinct and definite religion; and the second being whether the recognition of religion was necessary to enable the University to perform its work as part of the discipline of life. In answering these questions the right hon. Gentleman said—

> "I confess for myself that, apart from all distinctions between Churchmen and Dissenters, I am convinced of the soundness and wisdom, under the circumstances of this country, of that which is called the denominational system. I mean that we should not endeavour to tamper with the features and principles either of the Established or any other religion. I would recognize the same

> sacredness against political invasion in the one case as in the other. To maintain a definite religious teaching is the principle on which we have proceeded in the whole of our recent and most important administrative and legislative Acts with regard to primary and popular education. And that is a principle to which I think we ought to adhere in our Universities as well as in our grammar schools."—[3 *Hansard*, clxxx. 226-7.]

Now, in the autumn of 1866, a very remarkable criticism was delivered on this speech by no less a person than his hon. Friend the Member for Elgin (Mr. Grant Duff), who must be of high authority, because from a crowd of aspirants he was selected by the right hon. Gentleman to fill the responsible post of Under Secretary for India. It would be well known to readers of the public prints, that it was the annual custom of the present Indian Under Secretary, during the dead season of the year to deliver, at some remote spot in Scotland, a speech, or rather oration, to his breechless constituents upon the topics of the day. These orations had certainly not the merit of brevity, and he was not going to ask the House to follow him through the oration of 1866; but he would nevertheless venture to read one most relevant passage where his hon. Friend, after stating that the right hon. Gentleman had fired a revolver in the faces of his partizans, proceeded as follows:—

> "The only mistake in tactics was that truly astounding speech which he made on the Oxford Tests Bill, and which put the Liberal party in the absurd position of gaining its one great victory in this unhappy Session at once over its enemies and its commander-in-chief. I had, perhaps, more reason than anyone to feel annoyance at his gratuitous onslaught upon his best friends; but, when the first vexation was over, I forgot it in reflecting on the amusing glimpse which it affords into the state of mind of this highly-gifted man. Just at this stage of his career the neophyte leader of the Liberals is a curious study. What he hates most, hates with concentrated malignity, is that thorough-going Liberalism which extends to every department of thought; and he hates it because he has a suspicion that the line upon which he has been moving when produced leads to that end. He has a horrible foreboding that time is on the side of those politicians who, when he started in public life, were at the opposite pole of the political sphere, against whom all the strength of his youth and of his manhood were directed. Read his early speeches; study his early books. He has travelled far since then, and may well murmur at that destiny which may lead him, like the Sicambrian of old, to burn what he adores, and to adore what he has burnt."

In May, 1867, when the Bill was read a second time, the right hon. Gentleman was found voting with the minority, but in 1868 — and the occurrence exhibited most strikingly the effects of time upon great minds—the right hon. Gentleman rushed into the House just before the division was taken, and went into the Lobby with the hon. and learned Gentleman. When such a great change had come over the policy of the right hon. Gentleman in so short a time, he at least should be in his place to give some explanation of the reasons which had led to that change. He was much afraid that the time would come when the Church of England would be offered up in the same way as the Irish Church was being offered up; and, therefore, he was anxious to know how far the Government intended to proceed in that direction at the present moment. He desired to see the Dissenters and the Roman Catholics confirmed in the indisputable possession of their property, but he claimed that the same principles should be applied to the Church of England, which was that of the large majority of the intelligence of this nation. Believing then this to be a most dishonest measure; that, while his hon. and learned Friend declared the Bill was permissive and would practically be inoperative, the majority of the Members opposite regarded it in a different light, and as a lever to overthrow the English Establishment, he begged to move that the House resolve itself into the said Committee upon the Bill on that day three months.

Mr. HENLEY seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Bentinck,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CAMPBELL: If I venture to trespass on the time of the House, it is because on this question I entertain very strong opinions, and my opinions not only differ diametrically from those of the hon. Gentleman who has just sat down (Mr. Bentinck), but also from those held by many supporters of the

Bill. It appears to me, Sir, that all the arguments that have been addressed to the House on this subject, both on former occasions and during the present Session, have proceeded on the supposition that the University system is nearly perfect. Hon. Gentlemen opposite have expressed their fears lest the influx of a large body of students unconnected with the Church of England should impair the present excellent system; while hon. Gentlemen on this side have endeavoured to calm those fears. Sir, if I wish to see this measure passed into law, I am almost afraid to say that it is precisely because of what I conceive to be the gross inefficiency of the present system, and because my only hope of its amendment lies in the infusion of fresh blood. Hon. Members look back on the Universities through a mist of pleasant recollections and associations which, to a great extent, blinds their eyes to the real state of the case. But I am only expressing the opinion of a great many University men when I say that not only do those Universities with a maximum of endowments educate a minimum number of the young men of the nation, but to those few young men they afford a minimum of education at a maximum of expense. We used to hear the Universities spoken of as "places of sound learning and religious education." Our belief is that the learning is not very sound, and that the religion is not very learned. Sir, I have no wish to disparage or depreciate the good which a young man receives from his residence at a University. He can hardly fail to acquire, in greater or less degree, that most subtle but most valuable quality which may, perhaps, best be termed knowledge of the world. But this benefit is entirely extraneous, entirely extra-academical; he obtains it from mixing in society with his contemporaries, and not in any sense from the University system. So far as more solid acquirements are concerned the University and Colleges leave him to his own resources; he is obliged to hire for himself a tutor to conduct his studies; and for all practical purposes, he might every bit as well prepare for the periodical examinations in London or Paris, as at Oxford or Cambridge. Now, Sir, let us consider the religious teaching on which the hon. and learned Member for Richmond sets such store, and which he would so jealously guard. What does it amount to? I do not wish to detain the House, but I would remind hon. Gentlemen who have been at a University, and would inform other hon. Members what it is. I will take the largest and most illustrious College at either University. What training in religion does an undergraduate there receive? There is compulsory attendance at chapel. Now, Sir, this a matter of discipline—sometimes even of penal discipline—and I venture to think the House will not attach much importance to the influence of such attendance on the religious character of a young man under these circumstances. Then he is examined in the course of his residence on two or three Gospels or other parts of the New Testament; but these are, very properly, treated as pieces of classical literature, just as a Greek play would be, and not with regard to dogmatic teaching, or moral training. He has also to pass an examination in *Butler's Analogy*, *Butler's Three Sermons*, and—if that work be dignified with the title of religious — on Dr. Whewell's *Elements of Morality*. But the most important piece of this education — the *pièce de resistance* of this theological banquet — is Dr. Paley's *Evidences of Christianity*, a work undoubtedly of the highest merit, and of great historical interest; but its interest is mainly historical, and it is hardly suited to be used as a text-book. And as to the value of this as an element in religious education I may say that a week or two ago I met in the Library of this House, two Members of the House who have not very long ago left the University. They asked me if I could remember a certain argument of Paley's; and, in order at once to suggest to my memory, and to refresh their own, they repeated a fragment of a line of wretched jargon, a piece of *memoria technica* which is used for the purpose of getting up this subject, and which was probably all that remained to them of Dr. Paley's work. Now, Sir, even supposing—which many may doubt—that it is advisable to supplement at the University the religious training which is better received at home, and at an earlier period of life, I venture to submit that this so-called "religious education" has no substantial value. And yet it is to secure the maintenance of this system that the hon.

and learned Member for Richmond wishes to clog the clauses of the Bill with all sorts of conditions. I humbly submit that the hon. and learned Gentleman, to whose motives we all so readily defer—is fighting for a shadow—that he has really gone to war for an idea. Sir, I think we are very far wrong if we look on this as a mere question of Churchman and Dissenter. For my part, I have no wish to take from the Church of England anything which rightfully belongs to her; nor, on the other hand, have I any sympathy with the motives of those —and there are not a few—who hope, under the provisions of this Bill, to see a very select number of the Dissenting youth brought up to the Universities, there to be fascinated by the influence of the Church of England, and, as it were, inveigled into her fold. Sir, I think such considerations should not be taken into account by this House. This is not, I say, a sectarian question, it is a national question; it is not a question of aggrandizing or denuding any individual sect, it is a question of raising the efficiency of the Universities as national instruments of education; and I firmly believe that the infusion of new blood, which will result from the adoption of this policy, will speedily bring their teaching organization into greater harmony with the times. Above all, it is not that we wish to have what may be called a scramble for the endowments. I am inclined to think that such overgrown endowments are positively pernicious in their effect; that they create apathy and ineffectiveness, so that sometimes the object for which institutions exist is altogether missed. The Oxford Commissioners reported of some of the wealthiest Colleges that if they were altogether abolished, there would be a loss to the picturesque architectural beauty of Oxford; there would be no loss to the University, the Church, or the nation. Changes have, of course, been made since the time when that statement was made, but they have not been very vital. We wish to see the Universities thrown altogether open to the nation; and thus, while the nation derives the full benefit of the high traditional position of those great institutions, my hope is, that the freer and fuller life of the nation will in turn react on the Universities, and render them better qualified to fill their high position. I hope that the House will not agree to the Motion of the hon. Gentleman.

Mr. BERESFORD HOPE said, that the speech to which they had just listened was one of those strong orations which were apt to be interposed when a great question was approaching to a practical solution. Its argument amounted to the expression of a wish to alter the Universities radically and fundamentally—the belief that the learning imparted there was not sound; the religion taught was not real, and the endowments were too great. In a single word he wished the Universities of England to become the Universities of Scotland and Germany. Such was the hon. Member's argument summed up briefly and neatly. It was well that the House should see to what some persons were driving, while introducing so great a change under the mild form of an enabling measure. He (Mr. Beresford Hope) however, did not read the Bill in the same way as the hon. Gentleman, and in order that it might be fully discussed, he hoped his hon. and learned Friend the Member for Whitehaven would not persist in his Motion, but would take a division on the 6th clause, which touched the Colleges. In his eyes the Bill proposed two things: first, to open the Universities compulsorily; and, secondly, to confer an enabling power upon the Colleges to open themselves to Dissenters. Those two things had no natural connection; and they had been brought forward in former years in different measures. No doubt we had lately heard that the fusion of the two proposals had become unseverable; but the example of that which was going on "elsewhere" showed that policies might come to life again after their extinction had been declared an article of political faith. He would divide the Bill now as it had been heretofore divided, and consider whether it might not be possible to meet the grievance, such as it was, by trying the experiment of only opening the Universities. He could not tell how far the consideration might weigh with the House, but it seemed to him a hardship that the question had now, for the first time during the Session, come on to be seriously debated, after the bodies vitally affected by the Bill had broken up for their summer vacation, and could not be consulted upon any compromise. He did not deny that there was the semblance of a grievance. It was, in fact, a general proposition that no proposal for any change was ever made without some grievance, more or less real, existing behind. But the question at issue was whether the remedy might or might not be worse than the disease to which it was applied. Whether it was good or bad in itself to open the Universities, he was willing to try the experiment; because he thought the time had come when it would be wise to make the concession, and run the risk. He was not of the same opinion, however, with regard to the Colleges. The Universities were already open to a very considerable extent. Dissenters might go through the whole curriculum, and obtain Collegiate distinctions and emoluments in their undergraduate career. They might appear in the Honour List, and in both Universities take the degree of B.A.; whilst in Cambridge they might also take that of M.A., though without the vote in the Senate attaching to the degree. And if a person had taken the M.A. degree as a member of the Church of England, he did not forfeit his vote by becoming a Nonconformist. He would equalize the system in both Universities, and allow the Dissenter to take his degree of M.A., and the degrees in Law, Medicine, and Music, and to obtain the votes attaching to those degrees. He thought they might fairly make the experiment without further disputation; and that would clear away the contention involved in the first portion of the Bill. As to the permissive power of the Colleges to open themselves to Nonconformist Fellows, he would ask the House to consider what was the grievance under which Dissenters lay. The grievance of social degradation was a mere chimera. There was no social degradation at all in it. As an undergraduate the Nonconformist wore the same dress, dined in the same hall, and had the same rooms as anybody else. He got into society not according to the creed he professed, but according to his power of making himself agreeable to those with whom he lived; and so the agreeable and intelligent Dissenter had a great advantage over the surly and niggardly Churchman. At the present moment Cambridge could show the Roman Catholic, the Jew, and the votary of one of the ancient religions of the East mixing together upon a footing of absolute equality. His hon. Friend the Member for Stoke-upon-Trent (Mr. Melly) had, during the last Session, made a hit by telling a good story of having met seven Dissenters together, worth the expectancy of £4,000,000, in the billiard-room of a provincial club, who, as he averred, had evidently missed the benefits of a University education, because they were Nonconformists. Now, he ventured to observe that this story was totally irrelevant. These gentlemen might, if they liked, have gone to the University and taken their degrees and all prizes open to undergraduates, and all they could not have taken was just what the reversioner of the seventh part of £4,000,000 could not much care for—a Fellowship. He could not but fear, therefore, that the deficiencies of these young gentlemen arose, not so much from the constitution of the Universities as from a genuine preference for billiards and tobacco. Had he (Mr. Melly) told a story of seven intellectual and hard-working sons of Dissenting ministers not worth 400 pence, it would have been more to the purpose; and to such cases he (Mr. Beresford Hope) now addressed himself. He admitted that there was an individual grievance in the case of every Nonconformist, who having distinguished himself at the University, found himself precluded from the higher emoluments and advantages which that University had to bestow upon its meritorious sons. He made that admission knowing its force; but he would proceed to inquire whether the giving of plenary indulgence to those few exceptional persons would or would not be dangerous to the body politic. He feared that it would be so. It must be remembered that the Colleges were not homogeneous institutions, and though the introduction of the alien element into one of the larger Colleges with its sixty Fellows might or might not have serious effects, it would be otherwise in the case of the smaller Colleges, with, it may be, under a dozen Fellows in all. The hon. Gentleman who had last spoken had drawn an exaggerated picture of the smallness of the amount of religious education now given at the Universities. Admitting for one minute that his description might, in certain respects, be applicable to the minimum amount of religious teaching with which a layman might be able to scrape through, he would remind the hon. Gentleman that he ignored the much larger amount of theological education which the Universities bestowed upon that considerable proportion of their members who proposed to enter the sacred ministry. It was the injury to those men, arising from permission being given to the Colleges to alter their religious character, which he dreaded. The time might come when such seminaries for the clergy of a disestablished and disendowed Church of England as they had in the Colleges of our two Universities would be of the greatest value; and in face of the possibility of the day for the great crash coming for the Church of England he did not see why they should now huckster away one by one the advantages she now enjoyed. He would briefly touch upon one of the most specious arguments in favour of the change. It had been argued that because the Church of England—the most tolerant Church in the world, by the confession alike of friend and foe—admitted of many shades of difference, and that those who cast those shades, lived together in tolerable harmony within the several Colleges, therefore, that a little more diversity outside of that Church would not spoil the harmony. To him the argument seemed to answer itself. The course of that apparently difficult harmony, in face of antagonistic tendencies, was the secret influence of the occult *vexus* involved in belonging to the same community, being of the same Church. Take away that gentle yet persuasive restraint, and it would be impossible to say what breaches of peace and charity, what conflicts, might not ensue. Had the Colleges and the Universities themselves invited that change? He contended that they had not. The University which he had the honour of representing had last year presented a Petition against the Bill, signed by between 2,000 and 3,000 of its members. This year it had presented one as numerously signed, and bearing such names as Stokes and Adams, Challis and Willis—men of European fame—men whose genuine zeal for the advancement of scientific knowledge, for its own sake, all must recognize. There might, he said again, be here and there an individual grievance, but had they ever given the Universities a fair opportunity of trying whether they could not in some way or other remedy that individual grievance? They had not; and he contended, therefore, that it was premature and unfair to apply the cutting remedy of the knife to a complaint which gentle and curative remedies might heal. The present House of Commons had surely done enough this year in the way of pulling down, and might be content with passing only that portion of the Bill that had to do with the Universities, and postponing to another Session the one or two clauses which had references to the Colleges, with a view to seeing whether, in the meantime, when the attention of the Universities had been seriously directed to the question, some means might not be found of indemnifying, of honouring, and of contenting Nonconformists who had distinguished themselves in their University career, without altering the constitution of the Colleges themselves. The method he proposed would be that of enabling the Colleges to alienate some portion of their revenues for the purpose of founding University or honorary Fellowships or prelectorships, which would enable the Nonconformists to enjoy the substantial rewards of their studies without giving them a share in the Government of the Colleges. This solution of the difficulty had often formed the subject of private deliberation among the persons most interested in the question, but it had never been publicly canvassed, owing to the somewhat high-handed way in which the promoters of the Bill had always declined to enter into counsel with the Universities.

Mr. W. H. GLADSTONE said, he was anxious to offer a few remarks, which should be very brief, upon this question, because he was one of those who were prepared to support this Bill, and yet who did not wish to see any very great alteration in the general character of the education at our Universities. He believed that the idea which lay at the bottom of the opposition to this Bill was that the effect of it would be to secularize the Universities, that is, to destroy the distinctive character of their religious teaching. Now, if he thought that secularization was to be the result of this Bill, he did not think he should be able to vote for it; but he was far from thinking that the secularizing of the teaching in the Universities would be the result. By secularization he supposed was meant the destruction or elimination of the religious element. But in what did the religious element in University education chiefly consist? Not, he thought, in the religious teaching given, but rather in the influence which the associations of the place exercised on undergraduates; the respect and veneration excited by the characters of the great men who had lived there, and in the private study of divinity. These influences the Bill would be unable to affect; and, therefore, he should vote for it, as he had voted for it before, believing that it would not destroy the religious influences now felt at the Universities. There were two or three alternatives to the passing of this measure. One was to leave things as they were. That alternative, he thought, they might consider as practically given up. The opinion of the country was growing stronger and stronger against such a course. First and foremost his reason against it was that it was inequitable. The present position of things was one they could not maintain. To allow Dissenters to come to the Universities, to toil through the inferior stages of the course of education, and when at last they offered themselves for examination for Fellowships to say—"Thus far shall ye come, but no farther," was a position which could not long be maintained. But, beyond this, he would submit that the present test system was ineffectual; and for two reasons. It was ineffectual partly because, he was told, there were persons who took the test not *bonâ fide*, arguing that as it was, in their view, an immoral test, they could not be morally bound to observe it. He hoped there were not many who acted on such a principle, but he had been told, and he believed, there were some. The present system was also ineffectual, because the House must recollect that of late years the tendency had been to throw more and more of the teaching of the place into the hands of quite young men, who were lecturers or private tutors, but who, in many cases, were neither tutors nor Fellows, and who, therefore, were not brought under the test. There was one other alternative—it was the scheme alluded to by the hon. Member for the University of Cambridge (Mr. Beresford Hope) for retaining one portion of the endowments in connection with the rest, and surrendering the other. That had not been hitherto much ventilated; but, as far as he was able to form an opinion of it, it seemed to him that the result of this scheme would be unfortunate. It would tend to bring the various Colleges, if not into antagonism, at least into very marked contradistinction one from another, and to destroy that social equality which was, upon the whole, so satisfactory a characteristic of University education. He also thought it would be the means of introducing that very secularism which he should be very sorry to see introduced. There remained nothing for it but to pass this Bill. Having voted for the second reading, he should vote for going into Committee, because above all he considered it was equitable. He thought to shut out Dissenters from the legitimate rewards of a University course was a thing most invidious for us to do, and most humiliating for them to submit to. Moreover, he was convinced that this change would be highly beneficial to the Universities. The Universities were places of learning and religion; and long might they so continue. But surely they were pre-eminently places of learning, and, if so, he thought it followed that they should be recruited from all ranks, to whatever creed those persons might belong, who were fitted by talent, position, and acquirements to extend the sphere of their usefulness. For these reasons he should vote for now going into Committee; but he trusted the hon. Member for Whitehaven (Mr. Bentinck) would not give them the trouble of dividing.

MR. WALPOLE congratulated the House on the speech which they had just heard from the hon. Member for Whitby (Mr. W. H. Gladstone). It was a clear, moderate, and admirable statement of the case on his side of the question. The hon. Member had made a favourable impression on the House, and he was sure that all who had heard him would wish to hear him often again. He desired, however, now, to point out the extraordinary difference there was between the two speeches that had been made in support of the Bill. The speech of the hon. Member who had just sat down, delivered as it was with great clearness, seemed to him to run directly counter to the speech of the hon. Member for Stirling (Mr. Campbell). That hon. Member argued as if the education now given in the Universities was deficient, and as if that deficiency was in consequence of the non-admission of Dissenters. The Universities, he said, gave the minimum of the advantages of education with the maximum of its cost; that they discouraged learning; and, therefore, if any conclusion could be drawn from his premises, they ought to admit Dissenters, when all those evils would disappear, or, at least, be greatly mitigated. Now the hon. Gentleman ought to bear in mind that this was not at all a question whether Dissenters ought to be educated at the Universities or not. The hon. Gentleman's arguments might have been applicable thirty years ago when tests were applied not only on taking degrees but also on matriculation, and by these no doubt Dissenters were excluded. But since that time no tests were applied—no distinctions were made to prevent Dissenters from obtaining the full benefit of University education. Every possible encouragement was given them. Sizarships, Exhibitions, and Scholarships, he was glad to say, were open to Dissenters; and, speaking of Cambridge, of which he naturally knew more than of Oxford, he could state that within the last eight or ten years almost every variety of creed had been educated within its halls, comprising not only Dissenters on certain points of the Christian faith, but members of the Jewish persuasion, Parsees, and others, for whose religious instruction the parents undertook to make provision. The hon. Gentleman also alluded to what he called the failure of education in the Universities, and he spoke as if this alleged failure would be remedied by this Bill. Now it was fair to say that he believed there never was a period in the history of the country when the Universities did more to advance the education of the country, of Dissenters as well as Churchmen, than they had done within the last twenty years. The hon. Gentleman also seemed to think that the number of those attending the Universities had not increased. They had not increased as their friends would wish them to do; there were many reasons why the increase did not keep pace—though the fact was doubtful—with the increase in the population. But within the last ten or twelve years the number of matriculations at Cambridge had risen from 400 to 610, in those ten or twelve years showing an increase of 50 per cent. The hon. Member said they had not increased equal to the students of foreign Universities. [Mr. CAMPBELL: I said the Scotch Universities.] Well, he had not a word to say against the Scotch Universities; he believed they did their work admirably, and he might advert to them afterwards as furnishing a proper mode of dealing with this Bill. But with regard to the foreign Universities, the House must bear in mind that there was a compulsory system, for no man could enter the service of the Government in any department without being required to go through a course of University education. The English system, on the other hand, was entirely voluntary. And yet, with the single exception of Berlin, there was not a foreign University that was equal in point of numbers to their own. The number of students in Berlin was 2,180, the number at Cambridge 2,153, so that the two were very nearly equal, and Cambridge exceeded all the other foreign Universities. Then it was said that the bulk of the people did not get the benefit of a University education, and that it was the object of this Bill to give it to them. He had already observed that he should be sorry if they did not get the benefit of an University education. But he maintained that every encouragement was given for the purpose, and that the Scholarships and Exhibitions were as so many shafts driven down into the lower strata of society, by which men might be brought up to the highest, and many of the most distinguished men in the country had risen to eminence in that way. It ought also to be borne in mind that Oxford had, some years ago, provided means for young students residing in lodgings, who could not afford to live in College, and Cambridge had since followed in the same course. This, then, was not a question of education; it was simply this — whether by the proposed alteration they could admit every variety of religious opinion to the Universities by opening them more than they were open at present, and by opening the Colleges in the one point on which alone there was anything like exclusion—and here he more particularly adverted to the speech of the hon. Member for Whitby (Mr. W. H. Gladstone) —without the neglect of religious ordinances, without the compromise of religious consistency, and without any disturbance of religious peace. No one could deny that that was a fair test of the merits of the Bill. If they could adopt any scheme which would admit Dissenters to Convocation and to a vote in the Senate, on these terms, and reserving, of course, the Theological Professorships, which implied that the Professors must be members of the Church of England, then he would be among the foremost to say that he had no strong feeling of opposition to this Bill. But with regard to the Colleges, there was this to be borne in mind. In former times it might be contended that the Fellowships were not necessarily a part of the rewards for an University career, but were intended rather as the means by which a Governing Body for the University should be maintained, and it was through them that the Governing Body was now constituted. Well, then, if they were to make such an alteration as to enable any person to obtain a Fellowship, and so to become a member of the Governing Body, would the Governing Body, according to the trusts of the foundation and the usage which had ever existed, be a Governing Body according to the tenets of the Church with which alone these Colleges were connected? He had heard it stated over and over again that the admission of a few Dissenters would not prevent the continuance of the present religious system. But, to test the value of that opinion, they must see what the consequences of the admission of a few Dissenters would be upon the Governing Body. To take the case of Cambridge. The Colleges at Cambridge were divided into two classes—the larger Colleges of St. John's and Trinity, and in the other class all the minor Colleges—minor, he meant, as regards numbers. Now the seniority of St. John's and Trinity consisted only of eight Fellows, while the seniority of the others was even less than that, and consisted of only five or six. If, therefore, no precautions were taken, they might easily get a Governing Body which would not govern the Colleges according to the doctrines of the Established Church. The hon. Member for Whitby said that religious education would still be carried on much as it was now. His belief was that if this Bill were to pass one of two consequences must follow—either every form of religious belief must be admitted into the Governing Body—and then it would be exceedingly difficult to carry on the work of religious instruction upon any system — or else they must say that there should be no religious instruction at all. Taking either alternative, they were running a danger which, at least, it was their duty to anticipate before passing the Bill into law. As to what had been said about the deficiency of religious instruction he wished to point out that it was not the amount of religious instruction which was to be given so much as the system established within these institutions which gave them their religious character. They were all the creatures of habit and the children of circumstances; they were governed more by association than by direct teaching and the particular instruction which might be given at the Universities. The influences infused into the youthful mind by such habits and associations were much more powerful than the direct religious teaching on the future life of the student. These influences he was unwilling to do away with. These, he feared, would be done away with if the Bill were passed in its present state. What was there to meet the difficulty? To his mind there were two and only two ways. The one was to establish Fellowships which should not be connected with the Colleges, but which should be made and instituted as the reward of a distinguished career; and that he thought would be difficult to accomplish. The other course was that some such course should be adopted as that which the hon. and learned Member for Richmond (Sir R. Palmer) recommended—that those who were admitted to Fellowships should make a declaration that they would not take advantage of their position to do anything or say anything contrary to the authority of the Divine Scriptures, or that militated against that form of religion which had always been the religion of the University and the Colleges. He was willing to go into Committee to see if provisions of that character could be introduced into the Bill; if not, he feared that he must oppose a measure which could not be passed without detriment or danger to the religious character of our University education.

MR. NEWDEGATE said, that on a former Bill strong convictions had been expressed, but no division had taken place. The Amendments in that case were proposed from the other side of the House. Now the debate had been maintained from this side of the House, and it elicited from the hon. Member for Whitby (Mr. W. H. Gladstone) the hope that the religious character of the Universities would not be changed. That was a hope in which he did not join. If, however, the hon. Member desired to maintain the character of the Universities, such as it was, that was a desire in which he cordially shared. But what he wished to point out was that in this House they were coming to the habit of expressing strong convictions by their speeches, but of not giving effect to those convictions by their votes. The feeling was spreading still further in the country. Then, it appeared, that strong feelings were not to be expressed, if those feelings were disagreeable to others. The Home Secretary took it upon himself to prohibit a meeting, if he thought the opinions expressed were likely to be disagreeable to certain parties. The Mayor of Birmingham arrested a rate-payer who was going to a meeting, because it was supposed that that rate-payer would do or say something disagreeable. ["Question!"] Now what was this coming to? Hitherto, the system of government in this country, as in the Universities, rested upon the belief that Englishmen would not only express their opinions, but act upon them. On the other side of the House an example was being set of expressing opinions, and not only not acting upon them, but acting in direct contravention of them; and the very measure before the House was to prevent the requirement of the expression of decided opinion in matters connected with religion. To what was all this tending? Why, to a state of things which existed only under despotic Governments. He wished to impress on the House that if the present system of education in this country was to be maintained, it could only exist on the foundation on which it had hitherto rested; and that foundation had always been that not only should the people express, but act upon their convictions, and recognize conscience as the basis of their actions. He saw in the present Bill a proposal to undermine the education of future generations of a higher class; and his belief was that this was but a step in that course of proceedings which would not only change the laws and customs of the country, but effect such an extensive change in the course of education as would alter the whole system of thought and action, disassociating action from conscience, and in the course of time, undermine those institutions, on which he placed the highest value. He did not care how large might be the majority, or how small the minority, but must enter his protest against the course which was now being pursued.

Mr. BENTINCK said, that after the appeal of the hon. Member near him (Mr. Beresford Hope) he would not trouble the House to divide, but would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title of Act).

Mr. STEVENSON *moved,* in page 1, line 13, leave out "and," and after "Cambridge," insert "and Durham," in order to prevent the government of that University being left solely in the hands of members of the Church of England.

Mr. MOWBRAY said, he did not see the necessity for the Amendment, because he believed the feeling of the Convocation of Durham was to do that voluntarily which was now proposed to be done by Act of Parliament. To adopt the Amendment, would, he thought, be setting a new and undesirable precedent in our legislation.

Mr. BOUVERIE asked whether it was competent to the Committee to extend to the Durham University the title of a Bill, the object of which was to repeal certain statutes relative to Oxford and Cambridge? The whole scope of the Bill referred to these two Universities, and had nothing whatever to do with the University of Durham.

The CHAIRMAN said, it had been held that when the subject-matter of a Bill had not been departed from, it might be extended over a wider area than was contemplated when the Bill was introduced. He therefore thought that the Amendment was not out of Order.

Mr. COLLINS said, that the Preamble only referred to Oxford and Cambridge. Could Durham be introduced without an Instruction to the Committee?

The CHAIRMAN said, the Preamble of the Bill might be amended, without any Instruction.

Mr. HENDERSON said, that the University of Durham was established, in 1837, by Royal Charter, which gave the power of conferring degrees. Several years ago all religious tests, except in regard to theological degrees, were done away with. There were, however, still some disabilities and restrictions which were disadvantageous to students, namely—the difficulty of obtaining a seat in the Senate and in Convocation. The object of the Amendment was to do away with those disabilities, and to establish perfect religious equality, and it was calculated in an enormous degree to increase the educational power of the University. As no opposition had been offered, it might be presumed that Durham University was inclined to submit itself to the authority of Parliament.

Mr. HEADLAM supported the Amendment, and believed that its operation would be highly advantageous to the North of England.

The SOLICITOR GENERAL said, that Durham University originally formed no part of the scheme, and it would be a strong measure to alter the purpose for which that University was founded, during the lifetime of one of its founders. He had not, however, heard that the University of Durham objected to being included in the Bill, and as he understood from the right hon. Gentleman opposite (Mr. Mowbray) that it was likely to do voluntarily what was now proposed, he should offer no objection to the Amendment.

Mr. COLLINS said, he did not see how any objections could possibly come from Durham when the Preamble and the Title only referred to the Universities of Oxford and Cambridge. No one could have supposed that the Bill applied to Durham, and he did not think it right that Durham University should be included in the Bill by a side-wind. He thought the University of Durham should have had more time to consider the Amendment.

Mr. HENDERSON said, the University had had timely notice of these alterations which had been discussed by the Senate, and if they had thought it wise to appear here by Petition they would have done so.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 2 *agreed to.*

Clause 3 (Persons taking lay academical degrees not to be required to subscribe any formulary of faith, &c.).

Mr. GATHORNE HARDY said, that he should have been prepared, on the question of principle, to have divided against the Bill on any stage; and if he did not now divide against the present clause it was not because he had changed in his opposition to the Bill, for he still strongly objected to its principle, and he believed it was impossible to carry it out on any satisfactory footing. He would, however, take a division on the 6th clause, and he thought it right to give the hon. and learned Gentleman timely notice of his intention.

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 4 and 5 *agreed to.*

Clause 6 (Act of Uniformity, &c., so far as relates to Collegiate offices, &c., repealed).

Mr. RAIKES moved, in line 33, to leave out "mastership or headship" and "tutorship." Hon. Members opposite seemed to consider that Collegiate offices should be regarded as academical prizes; but hon. Gentlemen on that side were not of that opinion. The object of this Amendment was to except from the operation of the clause those offices which stood *in loco parentis*, and there was a wide distinction between such offices and the offices of instruction. The majority of parents who sent their sons to the Universities were members of the Church of England, and it was not unfair that the persons to whom they committed their sons for care and discipline should be members of the same communion to which they belonged. The Amendment would leave entirely open the Fellowships, lectureships, &c., which it would be the ambition of Nonconformists to obtain. When hon. Members opposite had the splendid majority they possessed at present, it was always well to be generous, and if they wished to settle the question upon an enduring basis the best way to do so was by showing some consideration for the sympathies of the minority.

Mr. BOUVERIE said, that this Amendment was an illustration of the unwisdom of refusing moderate proposals when there was an opportunity of coming to an agreement; because when he first introduced this portion of the Bill seven or eight years ago his proposal did not extend to headships or tutorships at all, but to Fellowships. With regard to masterships and tutorships, he thought the Act of Uniformity afforded no security whatever, the real security was in the statutes of the Colleges. In Oxford, he believed the statutes of every College but one required the master to be a clergyman of the Church of England; and, consequently, a much greater security was in that way obtained for the doctrine, belief, and religious character of the head of the College than could possibly be had by maintaining the provision of the Act of Uniformity which imposed a doclaration of conformity with the doctrines of the Church of England.

Mr. J. G. TALBOT supported the Amendment, and appealed to the Treasury Bench to meet the opposition in the spirit in which the Opposition were disposed to meet them. If they were to do so, they might obtain a solution which would be satisfactory to moderate men. He would appeal to the First Lord of the Treasury himself, who, up to recent times, had very strong opinions on this subject, to give his views to the Committee. This was a subject upon which very strong opinions were held, not only in that House but out of it, and the clergy felt much more interested in it than even in the important subject now under debate in "another place." He remembered reading a speech of the Prime Minister, in which he said that so long as the people of this country wished that an Established Church should remain in this country so long should the connection between religion, the Church, and the Universities remain. He hoped we had not arrived at the conclusion that the Established Church of this country was not to remain.

Mr. WALTER said, it appeared to him that they were forestalling the discussion upon the clause as a whole, and that the particular question raised by the hon. Member was one of comparatively trivial importance. The question, it appeared to him, would have to be settled ultimately between the Governing Bodies of the Colleges and the public at large,—that is, the parents of the young men who should go to the Colleges. He, for one, could not imagine, if the present state of feeling continued, and the great majority of parents desired that their sons should receive a religious education, that they would ever send their sons to receive education where no religious instruction whatever would be given. He could not conceive it likely that any College, which expected to retain its hold upon Church of England parents, would consent to appoint to a tutorship or a headship the member of a different persuasion, because that would be the way to lose its connection with that class of parents altogether. But this clause did afford the best possible way of putting a great principle to the test,—namely, whether or not and to what extent the members of other religious bodies than the Church of England should be permitted to enjoy the full rewards of University distinction. While, for one, he was not prepared to go the full length of the hon. Member for Brighton (Mr. Fawcett) and apply any compulsory measure to the Colleges, he would throw on them the *onus* of acting as they thought fit, and leave the question of religious instruction in the Universities to be settled between them and the public at large.

The SOLICITOR GENERAL said, the very last course he would wish to take in any matter was to act on the principle of *væ victis* to which the hon. Gentleman had alluded. But he wished to point out what they were doing by this Bill and what the hon. Gentleman proposed to qualify. The Bill, as had been said two or three times over, was divided into two parts, dealing with two separate subjects, and on two different principles. Right or wrong, those who were advocating this Bill thought the Universities national institutions, in the sense that Parliament could dictate to them the policy they should pursue. With regard to the Colleges, right or wrong, they had treated them as *quasi*-private institutions, as institutions which were to be consulted in all the changes that might be made. They removed all Parliamentary restrictions upon their freedom of action, and left them bound by their own statutes. Whatever their statutes, they would remain unaltered; whatever their feelings, they would remain unaltered; all that was proposed was to remove from their freedom of action those restrictions which Parliament itself had imposed. But this measure would be useless, and would not have twelve months' life, if they drew such distinctions as the hon. Gentleman desired. He left the Colleges free, but did not force them in their action.

MR. BENTINCK, seeing the right hon. Gentleman the Prime Minister in his place, wished to repeat the remarks he had already made, to the effect that it was important the right hon. Gentleman should state his views upon this measure, with reference to which his opinions had undergone so recent and so important a change. Until last year the right hon. Gentleman had always voted against this Bill, and therefore, looking at the policy he had pursued with reference to the Irish Church, the Committee had a right to expect that the right hon. Gentleman would state what policy the Government intended to pursue with respect to religious institutions generally. It must not be forgotten that the right hon. Gentleman was now associated with those who were the declared enemies of all religious Establishments.

MR. RAIKES said, he would not put the Committee to the trouble of dividing on his Amendment, but would withdraw it.

Amendment, by leave, *withdrawn.*

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. MOWBRAY said, he wished to make a few observations before the Committee proceeded to a division upon the clause. The hon. and learned Gentleman (the Solicitor General) was mistaken if he supposed that the Bill met the wishes or would satisfy the demands of Dissenters. At a breakfast of the Friends of Religious Liberty, held on the 16th of March last, one of the speakers, Sir George Young, said that the University Tests Bill was not so valuable a measure as some supposed, and would only do away with the restrictions imposed by Act of Parliament, and not with those imposed by the Colleges, and another speaker followed in the same strain, and denied that it ought to be regarded as a compromise. Where, then, was the worth of the concession if these were the views of those for whose sake the measure was intended? The Solicitor General had said that the Colleges were not national institutions like the Universities, and that, therefore, there was no intention to interfere with them. But, if this Bill were passed he saw nothing to prevent an attack being made upon the Colleges next year. He should divide against the clause.

SIR ROUNDELL PALMER said, it would be time enough to oppose undesirable changes when they were proposed, and that the present clause should be regarded on its own merits, and not as a possible step to future changes. If it were the sound view to allow the Colleges to have as much freedom as to the admission of persons not belonging to the Church of England to their offices and emoluments as would be consistent, if Parliament did not interfere to the contrary, with their own constitutions and laws—and that was his view of the matter—it was also a sound view that they should be freed from all the Parliamentary restraints now imposed upon them. Those who really wished to maintain religious teaching in the Universities would be resting their case upon a false issue if they were to say—"We must either retain the old Parliamentary restrictions or we must give up everything." For his part, he did not intend to abandon religious teaching, and he believed that there were many on his side of the House who entertained the same view. He did not believe that there was a majority on the side of the House on which he sat who were desirous of merely secularizing the education of the University. Whether that were the case or not, the difficulties in the way of legislating for such an object would be infinitely greater than those which were in the way of those who desired to see the Colleges free from Parliamentary restraints. On the whole he could not join in a vote against this clause.

MR. GATHORNE HARDY regretted that those who opposed this clause would not have the support of the hon. and learned Member for Richmond (Sir Roundell Palmer), who had at heart the preservation of the religious character of the Universities. They were now dealing with a state of things which he could not bring himself to look upon in the same light as the hon. and learned Member. The hon. and learned Member said that they were about to remove merely the Parliamentary restrictions upon the Colleges. Why, that was almost an idle remark. Already they had within the House many who were anxious to carry the measure still further than it went at present, while it was quite clear that outside the House a great many persons were by no means satisfied with it. What would be the result if one College were to open its doors to all, while another retained its restrictions? He was unwilling to take away the existing Parliamentary restrictions so as to permit a temporary majority to effect a change in the constitution of the Colleges which would never be reversed. It would be as impossible to restore the restrictions when once abolished as it would be to render the London University a denominational institution. But this was the principle upon which he (Mr. G. Hardy) was acting himself; and it was also the principle laid down by the right hon. Gentleman at the head of the Government, and which he had never withdrawn or qualified. Last year, the right hon. Gentleman voted in a different sense from what he had ever done before, without any explanation or without retracting any of the expressions he had uttered on the subject on former occasions. In 1866, the right hon. Gentleman said it seemed to him an act of equity, justice, and policy to demand that nothing should be done which would not secure the maintenance of a religious system of education in the Universities. In 1867, he said he would not question that security should be taken to preserve the present system of religious education in the Universities and Colleges. What did the hon. and learned Gentleman the Member for Richmond propose? He proposed to do away with the old tests for the purpose of substituting a new one. If they had a divided Governing Body, they would have in it men of no religion at all—men who were anxious to escape from the trammels which they had imposed upon themselves, but which they were anxious to shake off, because they now believed them to be the fetters of superstition. It was idle to suppose that they could continue the religious teaching in the Colleges if the conscientious convictions of each individual were to be regarded, and they must come to secularization, whatever might be their wishes in the matter. It was not the intention of Bills of this kind that things should remain as they are. That might be the intention of the Mover, who began by introducing such a mild measure, and who, a few years ago, opposed this very proposal. Until, however, they relaxed all restrictions and securities in the Universities and Colleges, that system of religious instruction ought still to be preserved, which he believed best for the interests of the Universities themselves and the nation at large.

Mr. GLADSTONE said, a few minutes ago the hon. Member (Mr. Bentinck) made an appeal to him, which he thought it best not to answer, because the tone and language of that appeal were hardly such as ought to be used on a subject of this kind, or, indeed, on any subject at all. The right hon. Gentleman who had just sat down had also referred to declarations of his made some time ago, and had challenged him to declare whether he abided by them or not. The right hon. Gentleman was perfectly entitled to ask him whether he had departed from the principle of religious education in the Universities and Colleges of this country which he had formerly maintained. His opinion on the subject was exactly the same as it had ever been. He heartily and cordially desired that both in the Universities and Colleges the education given should continue to be religious. He desired that the Bill should give, as he believed it would give every facility for the foundation, within the Universities, of Colleges in the constitution of which the greatest possible freedom should exist. He did not desire to interfere with those who, from benevolent motives, founded establishments for seculiar education; but, on the other hand, they ought to give ample liberty to those who founded Colleges for the maintenance of their own particular religion, with whatever restrictions they thought proper, and they ought to respect those restrictions as the offspring of conscientious convictions. As regarded the general principle, he trusted he had now plainly and unequivocally answered the appeal made to him. With respect to the Bill itself, he had stated, in the first instance, that he would accede to no such Bill without just and adequate securities for religious education in the

Universities and Colleges. In the next place he had always insisted — herein strongly differing from his hon. and learned Friend (the Solicitor General)—that it was idle and impossible to deal with the Universities by Act of Parliament without also legislating for the Colleges, because he was not prepared to say, either on legal or historical grounds, that any line could be drawn between them so broad as to make it desirable for them to take their stand upon it, while, in other respects, he saw plainly that any concession given to the Universities, if it were not worthless, would, at all events, be totally insufficient and unsatisfactory so long as they continued to say to young men what they now said in the University of Cambridge—"You may go to the University, and obtain the advantages of its teaching and its highest honours; but, having so done, you shall not be admitted to those College emoluments and powers which are the regular crown and legitimate consummation of a University career." His hon. and learned Friend had completely met his views on this subject in the Bill before the House, and with respect to the securities for religious education, he had not only inserted language which went to establish the present legal status of the instructors, but also expressed his willingness to admit the further declaration on the subject which had been proposed by his hon. and learned Friend (Sir Roundell Palmer). He spoke of the declaration with which the Solicitor General agreed, because in respect to the new test proposed by his hon. and learned Friend (Sir Roundell Palmer), although he did not see the same objections to it which others felt, yet he did not see such a value attaching to it as to make it desirable for Parliament to attempt the formation of a new test at all. No doubt his own views had been modified from time to time on this subject, and if the hon. Member for Whitehaven (Mr. Bentinck) thought fit to taunt him for having altered them since he ceased to be a Member for the University of Oxford, he was perfectly welcome to do so as often as he pleased. ["Divide!"] Well, he was answering the hon. Gentleman. The very last charge the hon. Gentleman would succeed in fastening upon him would be, that his career as Member for the University of Oxford had been distinguished by any undue subserviency to the opinions or prejudices of his then constituents. He would simply say that if it could be proved that this House had maintained one firm standing ground on this subject, all those who had done so might reproach those who, acting at one time in a contrary sense, felt bound to take all the circumstances in view in the proposition they recommended. It was, however, most remarkable that on that very day, and on that very occasion, they had heard one of the Members of the University of Oxford say that, so far as the Universities were concerned, he thought it more or less open for consideration whether the Bill should be resisted if it were confined within those limits. They had also heard both the Members for the University of Cambridge, for the first time, plainly and explicitly express a desire to make, so far as the Universities were concerned, the whole concession proposed by the Bill. When concessions of this kind were made, it had always appeared to him that when Parliament did interfere its interference should be sufficient and effectual. It was always, however, his opinion that it was impossible to legislate for the Universities and to refuse to legislate for the Colleges. When the time had come for legislation of this kind it would, he thought, be far better to place it upon a basis sufficiently broad to make it effectual for its purpose. And that was the reason why he gave his cordial support to the measure of his hon. and learned Friend.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 216; Noes 95: Majority 121.

House *resumed*.

Committee report Progress; to sit again upon *Friday*, at Two of the clock.

## PRISONERS (POLITICAL OFFENCES).

### RESOLUTION.

Mr. G. H. MOORE rose to propose for the adoption of the House two Resolutions embodying the suggestions of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) made upon a previous Motion of his; and, irrespective of any opinions he might think it necessary to urge, he thought the statements then made by that right hon. Gentleman were sufficient to insure the acceptance of those Resolutions. But he was bound to say that he was impressed with a solid conviction that the adoption of the second of those Resolutions involved the peace and good-will of very large bodies of the people of this country and Ireland. It had been for centuries a subject of great anxiety to the statesmen and Government of this country that among the constituent elements of its power there was one that had not been fused into unity with it, and that among the great insular races that had carried the Empire, the language, and the name of England to the uttermost ends of the earth, there was one people that loved her not, and whose daily prayer to God was that He would vouchsafe to them one day the opportunity of causing the disruption of her power. The alienation and hostility of the Irish to the British people was a matter of history. Of what was past and irreparable it would be painful and superfluous to speak; but it was the duty of the Government to consider the present condition of affairs, and the causes that had led to it. Something more than twenty years ago, and before the fires of popular discontent in Ireland had begun to shake the surface of Irish society, and when it was the fashion for Irish popular representatives to declare that the Catholic people of Ireland were as loyal as any part of the population of Great Britain, he made this statement to the House—

> "I tell you, on the contrary, that the Catholic people of Ireland are not loyal; they are eminently disloyal, and there are not fifty miles of Irish coast before which, if an English and American vessel were coming into hostilty, eight men out of every ten would not wish the American success."

He had seen nothing since to induce him to recall that statement. With the same confidence in which he spoke of the facts he now spoke of the causes, when he said that the alienation of the Irish people was due, not so much to the wicked system of misgovernment which had existed among them for so many centuries, as to the cruel ignominy with which resistance to misgovernment had been treated. It was not so much the misery of the Penal Laws as the whips and triangles of '98 that had alienated the people; and it was with pain that he now saw the Government preparing fresh causes of future hatred. Disaffection had ripened into disloyalty; and because the visionary insurrection of misguided men, despairing of justice, had been punished by a persistent system of organized cruelty and insult, popular resentment had become as deep as it would soon be vociferous and vindictive, not only among the helpless people of Ireland, but among that nation on the other side of the Atlantic whose hostility was an element of danger to this country. He had no intention to indulge in the language of menace; nothing could be less effective; but he wished the House and Government should take this matter into consideration, and take action upon it before anything should have occurred to deprive that consideration and action of its full weight and credit. He hoped the Legislature and the Executive would take counsel in time, because it was too much the habit of the Government in Ireland to despise supplication as weakness. Resistance to English law admitted of no defence or extenuation. In Ireland, as in India, the assertion of self-government was a crime. About thirty years ago Canada rose in insurrection; insult and contumely were poured on the heads of the insurgents, and their grievances were treated with scorn. The insurgents and their American sympathizers were hanged by the score. We redressed the grievances of the Canadians, we granted them a free Government, according to their own desire, and the arch-rebel upon whose head we set a price, and for the suppression of whose opinions we had shed blood without stint upon the field and the scaffold, Papineau himself, was appointed First Minister of the Crown. Nothing could be more ignominious than such a policy, but nothing could be more successful. In 1848, when something like the Fenian insurrection occurred, one of the insurgents was tried on a charge which, if he had been found guilty, would have rendered him amenable to all the punishment now inflicted on the Fenians. He was never convicted; there was what was called a miscarriage of justice; he went abroad, and became a Minister of the Crown. Another insurgent at that time narrowly escaped with his life to America, and there publicly announced with his own hand that he had been a traitor, and his words spoken and written in America had been quoted in that House as a reason for continuing the suspension of the Habeas Corpus Act in Ireland. That man went to Canada and there became a Minister of the Crown against which he had rebelled, and not only that, but he became, under the free constitution of Canada, the most vehement opponent of the rebellious spirits with whom he had been formerly leagued. Again, a man who had reminded a portion of his countrymen that the days would soon be short and the nights long, and used language which at first sight would have been supposed to instigate to assassination, had become a Judge, and had sentenced O'Donovan Rossa to penal servitude for life for the use of language rather milder than his own. Some twenty-five years ago the Leader of the Conservative party described the Government of Ireland as a system of policy the obvious remedy of which was revolution, and the First Minister of the Crown had lately acknowledged that the abortive attempt at revolution in Ireland had brought about that change of policy which he was now attempting to carry out—

> " Cœlum non animum mutant qui trans mare currunt ;"

and therefore it was not extraordinary that a number of Irishmen who had gone to another country should adopt the policy which the Leader of the Conservative party had nearly thirty years ago stated to be the only true remedy for the ills of Ireland. One who might be truly called a wise man had said—

> "The matter of sedition is of two kinds, much poverty and much discontent ; and the surest way to prevent sedition is to take away the matter, for if fuel be prepared it is hard to tell whence the spark shall come that shall set it on fire. The first remedy or prevention is to remove by all means the material cause of sedition, which is want and poverty."

Now, none but simpletons would deny that such causes existed in Ireland, and that they might be removed if the proper remedies were applied. The Irish people did not sympathize with the views and ends of the Fenians, but they did with their feelings and opinions. They did not wish the Fenians to succeed; because, though they greatly disliked the existing form of government, they must feel some confidence in that which was to re-place it. But they had not sufficient confidence in "the Irish Republic," virtually established to accept that alternative. It was the fact that no class of men in Ireland were satisfied with the Government. The people of Ireland for years had been misled, deluded, deceived, betrayed, and disappointed by successive Governments. Their sympathizing countrymen in America had promised them money, arms, and leaders, but they were to look at home for their bone and sinew, and to the English Army for their trained soldiers. The whole scheme was an absurdity from beginning to end, and could only be likened to the act of Don Quixote in charging the windmill. One of the first preparations for this conspiracy was the setting on foot of a public journal whose special function it appeared to be to announce to the Government the progress of the insurrection. The matter thus being thrust before the Government, it would have been unpardonable in them if they had omitted to take steps for the suppression of the insurrection, and accordingly they employed a number of emissaries to obtain information with regard to it. The Government had excused their conduct upon this point by asserting that they had taken the step for the safety of the State. But the Government had not only to look to the safety of the State, but also to the safety of the people. The Irish Government had always acted as though they were a garrison in an enemy's country. They did not seem to recollect that they owed a duty to the misguided men whom their own emissaries were leading on from disaffection to sedition. He admitted that it might be necessary in certain cases for the Government to employ detectives; but those so employed should be under properly organized control, and should not be permitted to act in an irresponsible manner. But for the assistance of the Government emissaries the insurrection would have proved abortive. Those who were engaged in the insurrection had made themselves remarkable by abstaining altogether from plunder and outrage. The forbearance exercised by these people had been honourably acknowledged by the correspondents of the London Press. For instance, the correspondent of *The Times*, writing on the 16th of March, in referring to the attack upon the police barrack at Delgany, when five policemen were captured, but were afterwards released, wrote—"It must be recollected to their credit that they have been merciful where mercy was hardly to be expected from them." The same sentiment had been expressed in other Londen newspapers. These circumstances, which were so freely acknowledged at the time of the outbreak, ought to be recollected in the hour of their humiliation and misfortune. Certain arrests having been made, the Law Officers of the Crown told the jury at the trial that it would be proved that the writings of these men partook largely of the character of Socialism in its most pernicious form, and that the operations of that revolution were to be commenced by an indiscriminate massacre of all those above the lower classes, and including the Roman Catholic clergy. Such an opinion was well calculated to prejudice public opinion against the prisoners, but it was not confirmed by any evidence whatever, not even the testimony of spies, and it was now admitted on all hands to have been utterly unfounded. The learned Gentleman who made this statement has since exculpated himself by stating that it was made entirely upon the instructions he received, and that he fully expected them to be proved. The allegation, however, was neither withdrawn nor modified up to the end of the trial, and the jury found them guilty, although no evidence in support of this conspiracy was forthcoming. The hon. Member—having read at length extracts from the *Lancet* illustrative of the results of the separate system upon the mental condition of prisoners; and from the Report of Dr. Macdonald, medical visiting officer of the Mountjoy Prison, remonstrating against the system of inflicting insufficiency of clothing as a punishment for refractory behaviour; and as to the consequences of the cellular system on the mental and physical condition of prisoners—proceeded to say that those who had listened to this statement would come to the conclusion that a state of penal discipline which had caused, or at all events resulted in, seven deaths within so short a period, and in one prison alone had driven four untried prisoners into lunacy, and four more into suicide, had been excessive in severity and unnecessarily aggravated by contumelious concomitants. They had heard of the abominable outrage committed by O'Donovan Rossa upon the Governor of the prison. But who could tell the contumacious treatment which had goaded him to commit it? The right hon. Gentleman the Home Secretary had denied the other evening that O'Donovan had been subjected to the cruel punishment which had been alleged; but he had received the other day a letter from a London solicitor enclosing a statement made by Joseph Cave of 16, Cross Street, Palace Road, Hackney, who had been an assistant warder at Chatham. Cave stated that for about six weeks in the months of June and July, 1868, the prisoner Rossa was handcuffed with his hands behind him from 10 minutes past 5 a.m., until 7 30 p.m., and with his hands before him while taking his meals, and during all that time O'Donovan was confined in a solitary cell, and for three weeks was on bread and water, with alternate penal diet besides; that when the handcuffs were being put on him at first he offered great resistance, but that resistance continued only five or six days, when from the effects of the bread and water he was compelled to submit, and he was afterwards quiet. Such was the account he had received. He did not know the facts himself, but he had given the name of his informant. Now, he had not justified the Fenian conspiracy, or the insurrection to which it had given rise, nor did he attempt to justify it; but he was quite sure that there was not one who had lost his life or his liberty in that insurrection who would have saved his life or purchased his liberty by the admission that he was morally guilty or ashamed of the cause in which he suffered. Nor would he make such an admission in their name nor his own. In conclusion he begged to move the Resolution of which he had given notice.

Motion made, and Question proposed,

"That it is the duty of the Government to institute a public inquiry into the penal discipline of our Prisons, for the purpose of a better classification of prisoners generally; distinguishing the tried from the untried, and those who may be charged with offences from those who, under exceptional circumstances, may be temporarily detained without any specific charge having been preferred against them."—(*Mr. George Moore.*)

MR. BRUCE said, that those who were in that House some fifteen years ago would recognize in the speech which they had just heard the eloquence of his hon. Friend, and also the continuance of those feelings which he was happy to say had almost entirely died out in the existing generation of Irishmen. The Members of Parliament whom they now had the pleasure of seeing among them representing Irish interests were not less patriotic than those who went before them; but he would venture to draw a distinction and say that their main efforts were directed to heal the wounds of the past. His hon. Friend, as it appeared to him, had unnecessarily devoted no small part of his speech to recalling those bitter memories and continuing to the best of his power the existence of those feelings which all in that House wished to see buried. He could not quarrel with the latter part of his hon. Friend's speech. He was not there to defend cruel treatment either to convicted or unconvicted prisoners; and if what the hon. Gentleman had stated was true, his voice would be joined with his hon. Friend's terms of strong indignation in condemning such treatment. He knew nothing about it. An unconvicted prisoner in this country, a prisoner before trial, was treated, as was well known, in a very different manner from what was described by the hon. Gentleman. Without giving any opinion as to the truth of the statements which had been read by the hon. Member, he might say that it was impossible that such occurrences could have arisen in this country. The hon. Member had given no notice of the special charges he was about to make with reference to the treatment of the Irish prisoners, which, in all fairness, he ought to have done. His hon. Friends sitting near him were as ignorant of the occurrence of the alleged cruelties alluded to by the hon. Member as he was himself. He could not say how far these allegations were true; but if he judged them by the statements of Irish prisoners in this country he should not have much faith in them. Had the hon. Member, instead of dealing with special cases, opened the question as to the proper treatment of political prisoners generally, he should have felt pleasure in dealing with the subject, but, owing to the course adopted by the hon. Member, he was precluded from doing so on the present occasion. It was no pleasure to him to contradict the statements of the prisoners as to the effects of imprisonment upon their health, because undoubtedly the many humiliations they had to endure would necessarily have a greater effect upon their minds than upon the minds of those habituated to crime. He might, however, remind the House that, fortunately for England, we had been so far blessed that it had been unnecessary for us to make those special provisions for political prisoners that were required in other countries. In this country it was only in the case of the most reckless resistance to authority that the aid of the law was called in. If the law were administered in all its strictness there would be no difficulty in bringing under justice numbers of men who spoke against the Constitution under which we lived, and who urged their fellow-countrymen to acts of violence; but it was only in such cases as those which had occurred during the Fenian insurrection that the law was put in force. With regard to those who had been convicted and who were now undergoing imprisonment, the sentence which had been imposed upon them was that generally imposed upon felons, England having but one punishment for both classes of offenders. He admitted that such a punishment must fall with great severity upon political prisoners; but in the great majority of instances it was their resistance to the prison authorities that caused their most aggravated sufferings. Therefore, it was to themselves, and not to the law, that their principal sufferings were due. He would take the case of Burke as an example. Burke was the man who attempted to escape from Clerkenwell Prison at the risk of the lives of from fifty to eighty of his fellow-prisoners, who had in no way offended him. It would be recollected that at a given signal Burke was to have sheltered himself behind a buttress in the prison yard while the gunpowder was ignited that was to blow down the prison wall, to the imminent danger to the lives of the eighty prisoners who were exercising in it. Such a man as that could scarcely be regarded as a mere political prisoner; and yet having determined to endure his imprisonment like a man, he had conducted himself in such a manner that he had never suffered a single extra punishment. With regard to the case of Lynch, who the hon. Member had stated had died of consumption in Millbank Prison in consequence of being deprived of his flannels, inquiries had been made into the circumstances by three competent authorities at the instance of the late Government. Of those three gentlemen, one was Mr. Knox, the well-known magistrate, who was irremovable by the Crown, and another was Mr. Pollock, the eminent surgeon, upon whom it was impossible for the Government to exercise any undue influence. In their Report those gentlemen say—

> "It is stated in the extract from the *Irishman* newspaper furnished to us that Lynch caught cold at Pentonville, and died from the loss of his flannels. Lynch was received at Pentonville on the 16th of January, 1866. By a reference to the daily record of the temperature of the prison, it is seen that on that day the maximum was 65 deg., day; the minimum, 57 deg., night; and at no subsequent date of that winter was the minimum temperature of the cells at night, when the prisoners were in bed, lower than 53 deg.—a temperature so very satisfactory and sufficient, that with the clothing each convict was supplied there can be no truth that Lynch's subsequent illness was dependent on cold caught from his treatment at Pentonville. Lynch made no complaint to the medical officer of feeling the cold or of the want of flannels. When a prisoner is received at Pentonville he is stripped to be examined, and, as already described, each convict was supplied with new clothing of the usual character. The supply of extra flannels was at the discretion and by the order of the medical officer. In this instance it was on his own judgment, and not at the request of the prisoner, that the latter was supplied with flannels. But, irrespective of this point, Dr. Bradley's notes confirm the evidence given by Lynch himself, that he was the subject of cough on admission, and it is also evident by Lynch's statement to Dr. Campbell at Woking, that long previous to his conviction he had had cough and spitting of blood. Such a history of a case satisfies us that disease of the lungs existed previous to his conviction, and that Lynch died from the effects of that disease, commonly known as consumption, and that the treatment he received in prison had no share in its production."

As to the general appearance of the Fenian prisoners, the two gentlemen he had named reported that they were robust, strong, healthy-looking men, and that there was no case of illness existing among them. It had been said that they had been subjected to solitary confinement, but the fact was that, being political prisoners, they were subjected to less than the ordinary amount of this preliminary discipline. The House would recollect the very remarkable statement made a short time ago in that House relative to the treatment of O'Donovan Rossa—namely, that he was handcuffed for thirty-five days with his hands behind his back, that his only food was gruel, and that he was compelled to eat this on all fours—although how he could do this with his hands behind his back he could not understand—and that his beard was encrusted with the gruel. It was said that the prisoner's statements to this effect were made in the presence of the Deputy Governor and not contradicted by him. The Deputy Governor of Chatham, who had since been promoted to Portsmouth, declared that he heard every word of the prisoner's statement, and that he did not say one word about this imprisonment or these cruelties. Two or three days ago the hon. Member gave him notice that he intended to controvert the statements he had made on this subject. He applied to the hon. Gentleman for the name of his informant, but he declined to give it. [Mr. G. H. MOORE: I had no permission to give the name.] He gathered from the statement of the hon. Gentleman that his informant was a warder who had been dismissed; but if he had supplied his name he could have made inquiries as to the reasons for his dismissal, and whether his testimony could safely be received. At all events, he had left the establishment. [Mr. G. H. MOORE: I know nothing about it.] He presumed he must have left the establishment in November, as the circumstances to which he spoke occurred between June and November, 1868. It certainly would have been more satisfactory if the hon. Gentleman had given him an opportunity of inquiring into the character of his witness. He, on the contrary, believed, in preference, the testimony of the Governor and Deputy Governor, who stated that after the horrible assault, which he had on a former occasion described, the hands of O'Donovan Rossa were manacled behind his back for half-a-day. They were manacled in front for some days; but when the manacles were taken off, he took advantage of the temporary absence of the warder to wrench off the handle of his cell and to break every article of furniture within his reach. It ought also to be recollected that the man had been guilty over and over again of daring outrages against the prison officials. Owing, however, to the lenity which had been shown him he was now one of the best conducted of prisoners.

He could not see what advantage could accrue from agreeing to the Motion of the hon. Member. No such inquiry was necessary in England. The untried prisoners were allowed to wear their ordinary dress, and were maintained by their friends if they preferred it. As to the class of prisoners who were apprehended under the Habeas Corpus Suspension Act, they ought to be treated as nearly as possible like untried prisoners. Sufficient security ought to be taken for their safe detention; but it was quite possible that in some of the gaols in Ireland some hardships were unavoidably imposed on them. If, however, the allegations of the hon. Gentleman as to their treatment were true, no inquiry by that House was needed to induce the Government to interfere. A question arose whether any distinction should be made between political prisoners and others. If they were a known class in this country it might be necessary to arrange their prison treatment so as to fit it to the precise character of the offences with which they were charged. Political offenders were, however, men of very different character, and their punishments could not be identical. There were, no doubt, great distinctions between the Fenian prisoners, but there had been necessarily a uniformity of punishment, mitigated to a certain extent, but not in a manner especially designed for political prisoners. With regard to the labour imposed upon them the House had the statement of the two gentlemen deputed to inquire into the subject, and the accuracy of which he could confirm. They stated that the out-door work given to them to perform was not laborious or harassing, and that so far from being injurious to health it was the very reverse. The House would have to consider what punishment should be inflicted on such prisoners. Though penal servitude could not be prolonged beyond many years without danger to health and life, yet within certain limits it was comparatively a lenient sentence. It involved labour, undoubtedly, but a life of labour was better than a life of inactivity. In his opinion these prisoners should not be subject to anything unnecessarily humiliating or degrading; but they should not be exempt from labour. The directors of prisons had the power of relieving, in some respects, from the strict prison rules prisoners of a naturally irritable nature, on whom the strict rules might produce mischievous or dangerous results. This mitigation of the prison rules had been extended to the Fenian prisoners. They had been relieved from certain duties, venial offences had been overlooked as much as possible; they had been separated from other prisoners, and every indulgence consistent with the proper observance of obedience to orders in the performance of the labour allotted to them had been allowed. But the offences of the Fenian prisoners were, after all, very serious. They showed themselves to be men who were ready to plunge their country in bloodshed. Though he was not an advocate for unnecessary or severe punishment, nevertheless he could not assent to those offences being overlooked on the ground of the past misgovernment of Ireland. For the last fifty or sixty years, at all events, the Government of this country was engaged, perhaps slowly, but certainly slowly and steadily, in the work of remedying the wrongs of the past. He, therefore, thought the moment was very ill chosen when those misguided men rose in arms against their Sovereign. The law, then, had nothing to do but to impose on them a severe sentence. It had been observed by Edmund Burke that the reason why civil war in England was less sanguinary than in other countries was, because the conquerors always spared the humble and the low. It was upon that principle that the Government had acted in dealing with the Fenian prisoners, and had been happy to extend mercy to those who had sufficiently expiated their offence. This leniency had not been thrown away upon those who had been the objects of it, with the exception only, he believed, of two men—Americans, if not by birth, at any rate by naturalization. Those only had been retained in confinement who, from their character, could not be liberated without danger. With respect to the future of the prisoners he was prepared to recommend the extension to them of the utmost consideration consistent with the execution of the sentences passed on them. And he thought it might be possible to legislate on the subject with a view of giving to the Judge who tried political prisoners the power of distinguishing between crimes of great magnitude and those of a less heinous character, and of passing other sentences than the uniform one of penal servitude. The subject should have the best consideration of the Government, who had no vindictive feeling in this matter, but only desired to see their punishment such as would act as a warning against others repeating these offences. He hoped the time might come when these subjects should cease to be discussed in that House; when, by a system of just and generous treatment of the people of Ireland, we might revert to that proud position this country had once occupied, when no prison in the United Kingdom contained one political prisoner.

Mr. O'REILLY DEASE reminded the Government that every one of those Fenian prisoners cost the nation as much as three able-bodied seamen, and that their best policy would be to encourage the loyal men who were at home, and to urge the disloyal men to leave the country.

Mr. DOWNING said, he wished to say a few words with reference to the treatment of the prisoners, which he thought had been exaggerated. He had conversed with O'Donovan Rossa in Chatham Prison, in presence of the Deputy Governor of the gaol, who deserved all that had been said of him by the right hon. Gentleman. He had unlimited license to put any questions to the prisoner he pleased. O'Donovan Rossa did not make to him the complaint put forward in the *Irishman*, as to being obliged to lap his food with his hands bound behind him. He did complain of the insufficiency and quality of his food, and that the reports of his complaints were not written down from his own words and afterwards read over to him, and of his letters being suppressed. He (Mr. Downing) asked if he was guilty of the single charge imputed to him. The reply was he had been, and cried because of that very offence. He looked in good health; there appeared to be no foundation for the statement that he was attenuated or in bad health. He was suffering from nothing, he said, but a pain in his back. It was said that O'Donovan Rossa was a violent-tempered man, but he (Mr. Downing) knew him for many years before his conviction, and could affirm that he was not turbulent, quarrelsome, or ill-tempered. He had also had an interview with Burke, who was deserving of kindly treatment. He, too, complained of the quantity and quality of his food. He was anxious to make this statement because it was supposed he had communicated to a weekly journal in London a statement relative to the treatment of the prisoners; but he had made no such statement either to a weekly or any other journal. Still, he thought the treatment of the prisoners in the different gaols was exceedingly and unnecessarily harsh, and Government would do right to adopt the first Resolution and appoint a Commission of Inquiry into the treatment of the prisoners. The prisoner Burke, it was said, had been engaged in a conspiracy which would have sacrificed the lives of some eighty persons; but, although a felon and a convict, he appeared to be a man of a high sense of honour. ["Oh, oh!"] Many honourable men were ready to enter into a conspiracy, and he believed that conspiracy had done a vast deal of good for Ireland. He had no sympathy with the objects of the Fenians. He had received from them opposition, and had always raised his voice against them. But he must say the wrongs and wants of Ireland would not perhaps have been listened to but for the course taken by these very men. ["Oh, oh!"] He was addressing his countrymen through the Press. It was necessary that what was said in that House should be read by the people of Ireland. It had been admitted even by Cabinet Ministers that but for the Fenian agitation that House would not have listened as it had to the claims of Ireland. He admitted that the Fenian prisoners had done incalculable injury to the country—they had stopped the progress of trade and commerce; but yet it must be said for them that feeling the sufferings of their country, they had the courage to act upon their convictions. He trusted the Government would grant an inquiry.

Mr. G. H. MOORE, in reply to the complaint of the right hon. Gentleman the Home Secretary, that he had brought forward a number of individual cases of which he had given no previous notice, said, he had only mentioned one case which did not rest on public authority accessible to every one. That was the case of Lynch, with which the right hon. Gentleman was himself acquainted. With regard to the Resolutions, what he principally wanted was a public inquiry into these matters, and upon that he should divide.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he had not expected from the terms of the Motion to be called upon to address the House; but, in consequence of what had fallen from the hon. Member for Mayo (Mr. G. H. Moore), he would say a few words. That hon. Gentleman had said that the prosecutions by the Law Officers in Ireland had been habitually unfair. To that statement he gave the most indignant denial. If the hon. Gentleman had taken the trouble to read the evidence given at the prosecutions conducted by his successors, he would find they were as fair as those conducted by himself. The hon. Gentleman had thrown out a bait to catch him, but it would not do; he would defend his successors in Office as he would defend himself. What did the hon. Member say? That domiciliary visits had been paid; that floors had been torn up, and boxes examined. But had the hon. Gentleman realized the situation of Ireland in the autumn of 1865? The Government then, from information of undoubted authority, came to the conclusion that a wide-spread conspiracy against the Crown of this country was on foot, and that being so, was it not the duty of the Law Officers to try to discover it? On evidence of the clearest and most undoubted character, the Executive of the day proceeded to seize the *Irish People* newspaper, to arrest the staff and examine their homes, and what did they discover? The most irrefragable proof of the most wide-spread and traitorous conspiracy ever levelled at the Government of a country. He, with the Attorney General, prosecuted the prisoners, and who alleged that they did not get a fair trial? Not one of them. On the contrary, the main conspirator, in the face of the public, said—"I have got a fair trial." Therefore, he would ask the hon. Gentleman how dared he assert in that House that the prosecutions were unfair? It was the misfortune of men in the hon. Gentleman's position to try to make capital out of such things; but the man who did that was not a true friend of Ireland, but pandered to the vicious passions of those who, when convicted of offences against the law, fretted and fumed because the law was able to master them. What did the hon. Member say to-night? That the Fenians were our masters. He denied that the law, firmly administered by the Government of which he was a Member, and administered with equal firmness by the Government which succeeded—he was a party man, and he had watched the prosecutions conducted by the late Government, and he could say that the law was justly administered by them—he denied that the law was unable to cope with the Fenians. And were they to be told on the 29th of June, 1869, that the Fenians were our masters? Little as he expected to hear that, still less did he expect that the hon. Member should rake up against Mr. Justice Keogh an exploded story, of 1853, about certain words which he was said to have made use of in the West of Ireland. That charge was made the subject of investigation in the House of Lords, and the learned Judge gave it the most indignant denial. [Mr. G. H. MOORE: Never!] He repeated that Mr. Justice Keogh had given an indignant denial to the story. [Mr. G. H. MOORE: No!] Was it fair, then, after sixteen years, to rake up these things? The hon. Member had assailed the present Solicitor General for Ireland; he had assailed the former Attorney General, Mr. Justice Lawson; he had many things to say against absent men, but he had not said a word against him who was there to defend himself. He would not have risen to say a word were it not for the strong language which the hon. Gentleman had used to English ears. He could not sit still and listen to that. He believed he had acted fairly himself, that his successors had acted fairly, and that the law had been fairly, justly, and mercifully administered.

MR. CALLAN said, that the question was not whether the conduct of the Judge or the Crown Officers had been to blame; but whether the treatment of the prisoners had been such as, in the words of the Home Secretary, would be impossible in England. He hoped the Government would enter upon a humane, generous, and merciful policy towards the Fenian prisoners.

Question put.

The House *divided*:—Ayes 31; Noes 171: Majority 140.

Mr. G. H. MOORE rose to move the second Resolution, and availed himself of the opportunity to deny that he had made any accusation against the Attorney General for Ireland personally. He had made the charge against all who were concerned in the matter equally. He indignantly repudiated the suggestion that he was attempting to make political or any other capital out of the subject. He begged to move the second Resolution.

Mr. MAGUIRE said, it was unlikely that after the first Resolution asking for inquiry had been negatived, the second, which was only a consequence, would be carried. The question now was what was the amount of punishment already endured by the political prisoners, and what was the feeling entertained in Ireland as to their further confinement or release. He rose, therefore, to express what he knew to be the feelings of a large portion of the large constituency he had the honour of representing. Now there was a very strong and general feeling among his constituents in favour of the release of the remaining prisoners. This feeling was not confined to those who, though not belonging to the Fenian movement, felt sympathy with their motives and objects; but it was equally entertained by those who had no sympathy whatever with them, and who, in fact, believed that the movement had done much injury to the country. There were, no doubt, a certain class in favour of continued punishment, but they were comparatively few; while the great majority of moderate people were in favour of clemency, and held the opinions that enough had been done to vindicate the law; that the prisoners still detained had suffered as much as they ought to suffer, and that their release would be an act of mercy and wisdom. He was convinced that this would be a safe course, for no evil has arisen from the clemency already extended; for although one or two released persons had abused the leniency of the Government, they were Americans. It was the policy now being pursued towards Ireland that would strike the deadliest blow to the Fenian movement; and if it were persevered in there need be no further fear of any revolutionary attempts. He would repeat that it was the general feeling and opinion of the country that the political prisoners had suffered sufficiently for their offence, and that no real danger would result to the public peace from the liberation of those still in prison.

Mr. MURPHY said, he could endorse the statement of his hon. Colleague (Mr. Maguire) as to the feeling in Cork and Ireland generally in this matter. He regretted that the division had not been favourable to the hon. Member for Mayo (Mr. G. H. Moore), for he believed that a public inquiry would remove an erroneous idea which obtained in Ireland with respect to the treatment of the Fenian prisoners.

Motion made, and Question,

"That Her Majesty's Government should inquire how far political offenders should be regarded as a separate class, and how far the severity of the punishment to which the political convicts in our Prisons have been already subjected may be regarded as reasonable grounds for a favourable consideration in their case,"—(*Mr. George Moore,*)

—put, and *negatived.*

## COUNTY COURT JUDGES (SALARIES).

### RESOLUTION.

Mr. HIBBERT, in moving a Resolution to the effect that it was expedient to increase the salaries of the County Court Judges by the sum of £300 per annum, said, that the jurisdiction of the County Courts had been extended and the duties of the Judges multiplied by a series of Acts which had been passed almost year by year since those Courts were constituted; but although it was true that an increase had been made to the salaries of the Judges as originally fixed, it was wholly disproportionate to the amount of extra work they were called upon to perform. While there had also been an enormous increase in the number of plaints coming before those Courts, there had been a simultaneous falling of in the number of writs issued from the Superior Courts, thus showing that the County Courts were in fact doing, to a great extent, the duty of the Superior Courts and the Judges of Assize. Moreover, the Registrars of certain County Courts would actually receive more remuneration this year than the Judges of those County Courts themselves. The total sum which would be required to pay the additional salary to these Judges which his Motion contemplated was not more than £15,000 a year; and he maintained that the whole of that sum might be met in the present year from the saving which would result from the transfer to those Courts of the Bankruptcy business alone, without the necessity of extracting a single additional 1*d.* from the pockets of the tax-payers of the country. He concluded by moving the Resolution of which he had given notice.

MR. ASSHETON CROSS in seconding the Motion, said, that no doubt the Chancellor of the Exchequer would say that it would be better to postpone a decision upon the question until the extent to which the work of the County Court Judges increased; he submitted, however, that it was not the amount but the kind of work; and he, with others, who agreed with the hon. Member for Oldham (Mr. Hibbert) desired to raise the standard of County Court Judges. In 1865, when it was proposed to raise the salary of the County Court Judges, the then Chancellor of the Exchequer and present Prime Minister by his observations clearly showed he intended then that the salaries of the County Court Judges should be still further raised if they had duties in Bankruptcy cast upon them. This was now about to be done, and they were, therefore, entitled to extra remuneration.

Motion made, and Question proposed,

"That, having regard to the Admiralty Act of last Session, by virtue of which an entirely new jurisdiction has been conferred upon certain County Courts, and to the Bankruptcy Bill, under which the district County Courts will take the place and perform the functions of the district Bankruptcy Courts, and with a view to secure efficiency in the office of County Court Judge, in the opinion of this House it is expedient that the judges upon whom the new duties and responsibilities may be imposed should receive an additional remuneration of £300 a year."—(*Mr. Hibbert.*)

MR. AYRTON presumed the hon. Member for Oldham (Mr. Hibbert) had brought forward the question at the late hour of half-past twelve in order to relieve his mind rather than with a hope of obtaining ample discussion of his proposal. County Courts were started twenty-one years ago in the hope that they would be self-supporting; but they involved an aggregate charge of £587,000, and the Exchequer received from them £354,000, so that the deficit was £233,000, which was due to the disposition of the House to listen to solicitations like that just made, and to show more consideration for officials than for tax-payers. He had heard no adequate reasons for agreeing to this Motion. Reviewing the history of the County Courts, he referred to the fact that the salaries of the Judges had been once reduced, and when their salaries were increased from £1,200 to £1,500, it was understood that that augmentation was made on condition that they should place their whole time and abilities at the service of the State, and were to abstain wholly from private practice. A salary of £1,500 a year was not only reasonable and sufficient, but very liberal for a gentleman in the professional position of the County Court Judges before accepting those appointments, and he believed that in the average of cases their previous emoluments were not more than half that amount. The hon. and learned Member for South-west Lancashire (Mr. Assheton Cross) wished to elevate the Judges.

MR. ASSHETON CROSS said, he wished to elevate the office.

MR. AYRTON said, then the present Judges were to receive the higher pay without being elevated. Probably the Motion was intended to apply to future Judges; but even then he was not aware of any graduated scale of "elevation" in tone and character which could be measured by increased remuneration. He did not believe that higher pay would be likely to result in such elevation. He would remind the House that the duties of the Judges had been lightened by some of their work being thrown on the Registrars. If the House were disposed to spend more money on the County Courts, the worst use of it would be to increase the salaries of the Judges, and a much better plan would be to increase the number of the Judges, where the judicial work rendered an increase necessary. The Returns showed that they did not give up to the service of the country all the time that the country was entitled to expect from them, and in many cases they very little consulted the interests of the public, for they frequently lived at a great distance from their districts. The more this question was examined, the more certain it would appear that there was no necessity for saddling the country with this increase.

MR. COLLINS said, he was glad to

find that this attempt to increase the salaries of the Judges was to be resisted. They had no right to complain unless they were overworked; and if that were the case it was an argument, not for increasing the salaries of these gentlemen, though it might be a valid argument for appointing more Judges.

Mr. G. O. MORGAN said, the question was not of the amount of work, but of the quality of the work. These Courts were at first instituted for the recovery of small debts, but now every kind of jurisdiction was assigned to the Judges.

The CHANCELLOR of the EXCHEQUER called attention to the fact that the County Court Judges had already had £300 a year added to their income, in 1865, on account of the addition of Equity and Admiralty jurisdiction. The Admiralty cases were, of course, very few, and the cases in Equity, which were usually very trifling in their character, numbered only 640 last year among sixty Judges. They were now asked to increase the salaries of these gentlemen by another £300 a year, on account of duties which had not yet been imposed upon them, and on account of a Bill which was not yet the law of the land, and the provisions of which threw nearly all the work that was necessary to carry them out, not upon those Judges, but upon the creditors themselves. The demand was a most extravagant one, and, indeed, of all cases of a similar character, he had never heard one so weak.

Mr. MUNDELLA said, he knew an instance where the Judge of one of these Courts lived on the shores of the Mediterranean, and managed to perform his business by sitting at the end of one month and the beginning of another. If this proposal were agreed to it would be plain that the country was intended for the benefit of the lawyers, and not the lawyers for the country.

Question put.

The House *divided*:—Ayes 56; Noes 102: Majority 46.

## DUBLIN FREEMEN.—LEAVE.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan), rose to move for leave to bring in a Bill for appointing Commissioners to inquire into the existence of corrupt practices among the freemen electors of the City of Dublin. The right hon. and learned Gentleman said that if the Bill were passed the Commissioners named in the Bill would have all the powers conferred on Commissioners by the Act of 1852. He thought that inquiry was necessary, because the Report of Mr. Justice Keogh showed that an organized system of corruption existed among the freemen of Dublin. On the Report of the learned Judge the Government had moved for an Address for the appointment of a Commission; but on technical grounds the House of Lords had declined to concur in the application for a Commission. That the inquiry which the Bill proposed was necessary in the interests of purity of election was fully shown by the Report of the learned Judge (Mr. Justice Keogh) by whom the petition was tried.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of corrupt practices amongst the Freemen Electors of the City of Dublin."—(*Mr. Attorney General for Ireland.*)

Colonel TAYLOR objected to a Bill of such importance being brought in at so late an hour (ten minutes after two), and moved the adjournment of the debate.

After short discussion,

Motion made, and Question put, "That the Debate be now adjourned."—(*Colonel Taylor.*)

The House *divided*:—Ayes 52; Noes 100: Majority 48.

Question again proposed.

Viscount GALWAY moved the Adjournment of the House, observing that it was a very strong measure for the right hon. Gentleman at the head of the Government to force the Bill on the House at twenty-five minutes to three.

Motion made, and Question proposed, "That this House do now adjourn."—(*Viscount Galway.*)

Mr. GLADSTONE said, he would not press the question any further, seeing that several hon. Members were opposed to allowing the measure to be brought in.

Motion, by leave, *withdrawn.*

Question again proposed.

Debate *adjourned* till *Thursday.*

### RAILWAYS ABANDONMENT BILL.

On Motion of Mr. SHAW-LEFEVRE, Bill to amend the Law relating to the abandonment of Railways and the dissolution of Railway Companies, *ordered* to be brought in by Mr. SHAW-LEFEVRE and Mr. JOHN BRIGHT.

Bill *presented*, and read the first time. [Bill 186.]

### PENSIONS COMMUTATION BILL.

Resolutions *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. DODSON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. STANSFELD.

Bill *presented*, and read the first time. [Bill 187.]

House adjourned at a quarter before Three o'clock.

# HOUSE OF COMMONS,

## *Wednesday*, 30*th June*, 1869.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Annuity Tax (Edinburgh) [19]; Party Processions (Ireland) [6], *debate further adjourned.*
*Committee—Report*—County Courts (Admiralty Jurisdiction) Act (1868) Amendment* [121].
*Considered as amended*—Debts of Deceased Persons* [165].
*Third Reading*—Joint Stock Companies Arrangements* [140]; Special Bails* [162], and *passed.*

### REGINA *v.* OVEREND, GURNEY, & CO.

### QUESTION.

MR. EYKYN said, he would beg to ask the Secretary of State for the Home Department, Whether, in refusing to undertake the further prosecution in the case of "Regina *v.* the Directors of Overend, Gurney, and Co. (Limited)," and also refusing to furnish a sum not exceeding £5,000 towards the cost of that prosecution, he was aware that the Directors had been committed by the Lord Mayor of London to take their trial upon a charge of conspiring to defraud the public of £3,000,000 sterling, and a private individual bound over in £5,000 to prosecute the law with effect; that a grand jury of merchants had found a true Bill, and that the Lord Chief Justice had ordered the Directors to find sureties for £10,000 each to appear; whether the Law Officers of the Crown had advised such a refusal, and on what grounds; and, whether the Law incapacitates the prosecutor from appearing in person; and if so, who is responsible for the prosecution of the case on the trial, and the due administration of public justice?

MR. BRUCE: Sir, I was aware of the facts referred to in the Question of the hon. Gentleman. I must say I did not consult the Law Officers of the Crown upon this occasion; but I did bring the matter before the Cabinet, where it received due consideration, and my Colleagues were of opinion that there was nothing in the circumstances of this case to distinguish it from ordinary cases of fraud, where the prosecution must be conducted by the sufferers themselves. The only precedent that I know of was that of the British Bank, the prosecution of which was undertaken at the cost of the Government, and that was regarded not so much as a precedent to be followed as an example to be avoided. From time to time similar applications have been made to the Government, and all have received the same reply. During the last term an application was made to Government to furnish the costs and undertake the prosecution of the Directors of the Leeds Bank. That application was also refused. Still less can the Government undertake to furnish a contribution towards the prosecution the conduct of which does not rest in their own hands. I am aware it is said that there is an inconsistency on the part of the Government in this matter, and that they acted very differently in the case of Madame Rachel. But that case was entirely different. The question at stake in the case of Madame Rachel was whether the Judge of the Sheriff's Court, when sitting in a criminal court, had properly exercised his jurisdiction, and on the decision in that case rested the legality of many previous decisions, so that the matter was one of great public interest. My hon. Friend asks me whether the law incapacitates the prosecutor from appearing in person. The prosecutor has power in civil cases to appear; but the Lord Chief Justice has laid it down to be the rule and practice of the courts that prosecutors in criminal cases should not be permitted to appear in person. With respect to the question as to who is responsible for the prosecution of the case on the trial, I can only answer that this case rests exactly on the same footing as other cases. Cases of this kind are extremely rare. But this is not the occasion for entering upon the question whether cases of this sort should be prosecuted at the expense of the Government. All I can say is that it is not the practice. The Government, after mature consideration of the subject, did not believe that the circumstances of this case furnished sufficient reason for an exception to the general rule.

Mr. EYKYN gave notice that on going into Committee of Supply on Thursday next he would call the attention of the House to the subject.

Mr. FAWCETT asked whether there was any law to prevent a solicitor from appearing?

Mr. BRUCE said he believed there was no law; but he did not undertake to say what was the practice of the Courts. In certain cases he knew there was a rule that barristers alone should be heard.

## AGRICULTURAL RETURNS.

### RESOLUTION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [13th April],

> "That the Agricultural Returns, now made annually, should, after this year, be discontinued, and collected every fifth year in the place of annually."—(*Mr. Pell.*)

Question again proposed.

Debate *resumed.*

Mr. M'LAGAN: * I regret that my hon. Friend the Member for Leicestershire (Mr. Pell) should have introduced this Motion, or that anything should have taken place in this House that might tend to embarrass the Government in the annual collection of agricultural statistics. I know the difficulties my friend Mr. Caird, when a Member of this House, encountered when he took this question in hand—how year after year he was opposed by the Government and Members on both sides of the House —and how, when he was successful, he prevailed only by getting a division adverse to the Government. Sir, the agricultural statistics have been collected only for three years, and the collection of them may be said to be but experimental yet; and no one can deny but that it has been auspiciously commenced, and that, in so far as the experiment has proceeded it has been successful. I cannot help thinking, therefore, that under the circumstances it is unfair to do anything to mar that experiment. All that I ask is to give it a fair trial. An objection made to the annual collection of these statistics, as being useless, is that some corn dealers had never heard of them. But this is no evidence of the uselessness of the statistics; it is evidence of the ignorance of those dealers. I could scarcely have believed that there was any corn dealer or merchant in this country who had never heard of them if it had not been mentioned here. Do these dealers not read the newspapers? Another objection urged against the utility of the statistics by my hon. Friend is that some corn dealers to whom he had spoken had never made use of them. But this is only evidence of the folly of the dealers, who refuse to avail themselves of what would prove of advantage to them in their trade. I may set my experience of dealers and merchants in the corn trade against that of my hon. Friend's, and state that every merchant to whom I have spoken on the subject has expressed himself in favour of the annual collection of statistics, and his regret that anything should have been done here to imperil its continuance. And when the agricultural statistics were being collected in Scotland, about twelve years ago, the corn, cake, and manure merchants all showed the greatest anxiety to obtain the results of the inquiry. But another objection has been made to the value of the annual collection of these statistics by my hon. Friend the Member for South-east Norfolk (Mr. Read), that a knowledge of the yield per acre being of far more importance in determining the produce of the land annually than a knowledge of the acreage, the annual return of the acreage is of little use. Now, I at once admit the full importance of obtaining a knowledge of the yield per acre. But I say, by all means obtain that knowledge in addition, but do not cease to get a knowledge of the acreage. There is nothing to prevent the acreage of the crops being published by the end of July; but you cannot get an accurate estimate of the yield per acre till about the end of October, after the farmers have begun to thrash out their crops. Now, there is one circumstance which I must mention here that distinguishes the ascertaining the yield per acre and the acreage; at the best the yield per acre, even though taken in October, is but an estimate, while the acreage published in July is a certain quantity, and it is always of advantage in making any estimate to have at least one certain quantity upon which you may have your calculations. But my hon. Friend the Member for South-east Norfolk said that there were many important matters to be agreed on before agricultural Returns could be expected to be valuable. And amongst these he mentioned the yield per acre, the average quantity consumed by each individual in dear and cheap years, the time of the harvest, the consumption of grain by cattle in cheap years. Now, I may state that all these elements of the computation have been long known, and are now generally agreed on by statisticians and the large importers of grain. But my hon. Friend says that in dear years it is not taken into account that the poor consume more wheat than in cheap years. This depends upon various circumstances; it depends upon whether the people in those dear years are well-enough employed to give them wages to purchase an additional quantity, and it also depends upon whether cheaper substitutes cannot be got for the wheat, such as potatoes, rice, barley, or oats. Now, this consideration adduced by my hon. Friend is not new. It was brought prominently before the public in two lectures on "Our Daily Food," delivered by Mr. Caird, which my hon. Friend heard. And I am inclined to agree with Mr. Caird that the high price of wheat has an effect in diminishing the use of it, though not to the extent that might be expected. My hon. Friends have both stated that the number of acres in the different crops is a comparatively constant quantity, or at all events varies so little in five years that it is easy to estimate in any one year the acreage of the different crops if the Returns were made every five years instead every year as at present. My hon. Friend the Member for South-east Norfolk adduced Scotland to prove his case. He said that the statistics of Scotland showed a gradual decline of cereals in that country. I shall show that the decline has not been gradual, and I shall supply some deficiencies in his speech about the Scotch statistics. And perhaps the House will permit me shortly to detail first the mode in which the agricultural statistics were collected in Scotland twelve years ago, as I was one of the enumerators who aided in the collection. A grant of money was entrusted to the Highland and Agricultural Society for the collection of these statistics. The able and indefatigable secretary of that society, the late Mr. Hall Maxwell, had the organizing and superintendence of the collection of the statistics, and the satisfactory manner in which he executed his duty may be judged of from the fact that only one-fifth per cent of the schedules were not returned, or 100 out of 50,000 schedules were not returned. In the same year, that is, in 1855, an attempt was made to collect the statistics in eleven counties in England, and 7 per cent of the schedules were not returned. Scotland was divided into districts, and over each district was placed an enumerator. Each district was divided into parishes presided over by members of committee. The schedules, when filled up with the number of live stock and the number of acres in crop, were all returned directly to Mr. Hall Maxwell, and as soon as possible published. After a sufficient quantity of the crop had been thrashed to admit of a correct estimate of the yield per acre being made, meetings of the committees were held, at which the yield per acre and weight per bushel were determined, and the results forwarded to Mr. Maxwell. Sir, I shall now, as I promised, supply a deficiency in my hon. Friend's speech on Scotch statistics, which will disprove his case and prove mine. He has stated that it is easy to estimate the acreage in the different crops any year if the Returns are made once in five years. Now, let us take the returns in wheat as made in Scotland in the years 1855, 1856, and 1857. In 1855 there were 191,130 acres in wheat, and, in 1856, there were 263,328 acres, or there were 37 per cent more acres in wheat in 1856 than in 1855. There were no Returns in England in these two years to give us any idea of the average in wheat, but as the same causes existed in England as in Scotland for producing these results, we are warranted in supposing that there would be the same increase in the acreage in wheat in England as in Scotland in 1856. And as evidence of this we had a great diminution in the importation of wheat and flour in 1857, amounting to about 5,000,000 of cwts, even though the Russian ports were thrown open in 1857, after the war, while there was a corresponding increase in the quantity of barley and oats in the same year—thus showing the probable large reduction which had taken place in the acreage by these two cereals. Again, in 1857, there was about 15 per cent less in wheat in Scotland than in 1856, and it is likely that there was the same difference in England. Now, Sir, is it not evident that instead of the annual change in the acreage of the crops being gradual, it is is rather variable? And would Mr. M'Culloch, or Mr. Caird, or my hon. Friends themselves, ever have estimated or guessed that there would be such a difference in the acreage of wheat of two successive years as 37 per cent and 15 per cent? Of what use would quinquennial Returns be in such years? They could do nothing but mislead. But we need not go back twelve years to see how variable the annual acreage of the crops is. Between crops 1867 and 1868 there was a difference in the quantity of wheat of about 280,000 acres, which is equal to more than a month's consumption, assuming the yield per acre and the quality of the grain to be the same. Thus also we find similar variations, though not to the same extent, in the acreage of crops in Ireland. If we take, for instance, the quinquennial period, between 1856 and 1861, we find that the average annual decrease in the acreage of wheat is about 6 per cent of the acreage in 1861, while the decrease in the year 1862 is fully 11 per cent, so that no one could have estimated correctly the acreage of wheat in 1862 from knowing the acreage every fifth year only. The result will be found to be as various in any other quinquennial period we may take. And hence we cannot depend upon any annual estimate of the acreage made from quinquennial Returns. If we want accuracy we must have annual Returns. My hon. Friend said that it was of more importance to us to know the yield of corn in France than the yield at home. If we admitted the importance of that knowledge we would put ourselves into a position of obtaining accurate informations of our own crops so as to enable us to avail ourselves of the annual statistical Returns made by the French. They show their appreciation of the importance of these annual Returns by sparing no trouble or expense in obtaining them. Sir, did time permit, I could have detailed the mode adopted by the French in collecting these statistics. I shall only mention here that there are two Returns made every year—1st, one of the acreage of the different crops; and 2nd, one of the yield, weight of grain, &c. Besides these, there are weekly and sometimes daily reports of the state of the weather and the crops sent up to Paris from all parts of the country before harvest, so that the Government is always in a position to act upon this information in purchasing corn, if there is the prospect of a deficient harvest. It is instructive for us to know that in addition to the annual, much smaller Returns were made every five years, but these were, after a trial, discontinued, as they were found unnecessary and troublesome in the collection, and they are now collected every ten years when the Census of the people is taken. I have no hesitation in saying that if the statistics are collected every year in this country for some time, the filling up of the schedules would become very easy, I may say almost a habit with the farmers. But if they are to be collected only once in five years, the trouble and annoyance always felt at the commencement of a new operation would be experienced every fifth year when the farmers were called on to fill up the schedules. My hon. Friend could not have adduced a better example in favour of the annual collection of agricultural statistics than France, for it is well known that when there is a threatened deficiency in the crops, France has the earliest information, and sends forth commissioners to purchase wheat in the corn-growing countries, and she has even on several occasions purchased over our heads cargoes which were intended for us, who, from want of accurate information about our crops, did not know what we may require; and thus in a few weeks afterwards we have had to pay a much higher price for the food of our people. This is one of the uses of annual agricultural Returns to the public in general. I could mention more, but as I have already detained the House so long, I shall only allude shortly to the use of these Returns to farmers themselves. I am one of those who think that as a rule farmers should not be speculators, but there are occasions when, with correct agricultural Returns before them, they possessing the earliest and best information, would be quite justified in taking advantage of their position. How much money, for instance, the agricultural interest could have made if they had disposed of their wheat some months ago, instead of keeping it on till now? There are facilities of doing this at present, which farmers did not possess some years ago. Again, what does a farmer do when he has a smaller acreage in grass or roots? He either reduces the number of his stock, or he purchases a larger quantity of cakes or other food; so, when the agricultural Returns show a reduction in the acreage of grass or roots over the whole country—and I have already shown that great variations do occur in the annual acreage—the cattle food merchants and farmers provide in time for the expected deficiency, and thus prevent dearth of cattle food, or an inordinate rise in the price of it, while the farmers lay their plans for bringing out their stock for sale at the most advantageous time. Again, the expense of collecting these statistics, varying from £12,000 to £20,000 annually, is adduced as an objection to them. Now, Sir, I shall not give my opinion on this objection, but I shall quote the opinion of Mr. Hubbard, whose absence from the House during debates of this class all must regret. Mr. Hubbard spoke as follows on this point in 1864:—

> "As to whether the expense was £5,000, £15,000 or £50,000, the immense importance of these statistics could not be measured by any expense. In one season England had spent £20,000,000 in corn alone; and, in 1847, as large a sum as £100,000 might have been saved by priority of information on a single day's transaction, when we had to compete with other nations in the markets of Europe and America."—[3 *Hansard*, clxxv. 1372.]

Did I not know that my voice is powerless, I would raise it from this place in an appeal to the farmers of England to give all the assistance in their power to the Government in the collection of correct annual agricultural Returns. But I know the influence of my two hon. Friends with the farmers, whom they so worthily represent in this House, and I appeal to them to use that influence with their agricultural constituents to accomplish that object. My hon. Friend the Member for Leicestershire stated that whatever exertions we may use in the collection of agricultural statistics, there was a Mightier Power who determined the ultimate results of the harvest. I cordially endorse the sentiment quoted by him—"Man proposes, but God disposes." And it is because I endorse that sentiment with all reverence that I consider it my duty, as it is my interest, to use the faculties and talents with which I have been blessed, to use every exertion, to use the opportunities placed within my reach to attain an object, before I can with confidence leave the rest to be disposed of by a Mightier Power.

MR. ASSHETON said, he thought it would be admitted that agricultural statistics, like all other statistics, were perfectly useless unless they were accurate; and, under the present system of collecting them in this country, they were so inaccurate as to be not only worthless, but delusive. He belonged to a part of the country which did not grow much corn, but which produced beef and mutton, and the Returns sent in during the last three years from that district were, he believed, delusive in the extreme for several different reasons. In the first place, he regretted to say that the farmers purposely and wilfully sent in wrong Returns. Having himself wanted to know what was the number of cattle in a given area with a view to organize a scheme of insurance, he asked the farmers to make a Return of how many cows, &c., they had, and some of them, although they were honest men, had put down the wrong number from a feeling which was quite foolish, because a landlord had a right to walk over their farms and could ascertain what stock they had for himself. Another grave error crept into the Returns from his part of the country in this way—The farmers were asked to state how many acres they had under wheat or oats, how much meadow land and pasturage, not including mountain and moor lands. But near his district there were large tracts of mountain and moor land on which many sheep and cattle were sent to graze, and those sheep and cattle were left out of the Return. Another source of error lay in the fact that although all over the country they had a statute acre they had also local acres varying from each other to a very great extent, in some cases the size of one being double that of another. How, then, was any reliance to be placed upon Returns collected by the Government under such conditions? Such being the evil, the question was how was it to be cured? The only way in which those statistics could be made really useful, either for Imperial or private purposes, was by having them collected from house to house and from door to door, as they were collected in Scotland, and properly verified by the Government. He knew that in England people did not like the sort of *espionnage* by which officials went round to them and called upon them to state how many cattle, &c., they had; but he did not see why agricultural statistics should not be collected and published as accurately as the Returns we possessed of bales of cotton and other commodities. It was a question whether the country was prepared to incur the expense of collecting really trustworthy statistics of agriculture year by year. He himself doubted it; and he thought they were likely to get more accurate Returns if they obtained them every five years instead of every year. He should, therefore, support the Motion of the hon. Member for South Leicestershire (Mr. Pell).

Mr. M'LAGAN observed that the statistics had been collected in Scotland by schedules, as at the present time they were collected in England.

Colonel BARTTELOT said, he thought that this was a most important question, and that the hon. Member for Clitheroe (Mr. Assheton) had thrown much light on it. It appeared, however, to him that, to be of advantage not only to the country but to the agriculturist himself, those Returns must be collected annually and not merely once in five years. Four objections had been taken by the agriculturists to those statistics. The first was that if they had made correct Returns of the quantities of land they had under different crops, the landlords would take advantage of them and raise their rents. That was a most absurd idea. It was manifest that if a landlord wanted to raise his rent he would not do it in that way. The landlord did not know what Return the tenant made, and, moreover, the landlord, if he chose, might go and see how the land was cultivated and what the nnmber of stock on it was. The second objection was that those Returns would place in the hands of the Government an instrument by which they would put increased taxation on the farmer. He did not see exactly how the Government would be able to do that, even if they were so disposed; and he certainly did not believe that any Government, from whatever side of the House it was composed, would wish to take advantage of the Return they had asked the farmer to furnish by placing extra fiscal burdens upon him. The third objection was the expense of the Returns; but if they were returned with accuracy the money spent in in their collection would be well laid out and need not be grudged. The fourth objection was a more serious one—that they were incorrect and useless. At present they were, perhaps, not as accurate as they should be; but practical and far-sighted agriculturists, who had at first opposed the collection of those statistics, now acknowledged that it would be greatly to their advantage if they could only know from year to year the breadth of land that was under different crops in this country, so as to guide them in their calculations as to its yield, and enable them to judge for themselves how much corn it would be necessary to import from abroad. In 1867, the number of acres under wheat was 3,640,000; and the number of quarters grown was 9,380,000. In 1868, there were under wheat 3,951,000 acres, and the quantity grown was 16,436,000 quarters. With such an increase as that in the latter year, it was surely of great advantage to the nation to know that it had that quantity of food in the country; and any intelligent farmer could have made his calculations on that basis if he believed it to be accurate. But supposing they had their Returns made out only once in five years, they would not know what variation occurred in the different crops from year to year. The Government gave the farmers very little trouble to make out the Returns, which, he thought, ought in future to include agricultural horses. If the Government would only put themselves in communication with the hon Member for South-east Norfolk (Mr. Read), the Chairman of the Central Chamber of Agriculture, with a view to drawing up of a plan for the amendment of those Returns, so as to make them really valuable, he believed the hon. Gentleman would afford them every information in his power. In conclusion, he hoped the Motion of the hon. Member for South Leicestershire (Mr. Pell) would not be pressed to a division.

Mr. BOWRING gave a sketch of the various experiments made in the collection of agricultural statistics in former years, and said that they had proved satisfactory; what was now necessary was that the sending of those Returns to the Government should be rendered compulsory. The objections to them at present entertained by the farmers were mainly founded on the fact that the Returns were not made compulsory; and he did not believe that the farmers of England generally would be opposed to the introduction of a Bill rendering their collection compulsory. He trusted that the Government would bring in a measure to that effect, similar to that which was before the House—but which was not proceeded with, although it passed the House of Lords without opposition—some few years ago. The proposal that those statistics should be collected only once every five years was most inadequate for the objects in view. The particular year in which the collection was made might be one of great abundance, or of great scarcity, and the result must necessarily be illusory. If that proposal were pressed to a division he hoped that the House would not accede to it.

MR. W. W. BEACH said, the disfavour with which the collection of those Returns had been regarded by the agriculturists had, to a great extent, disappeared, and that class now said that such statistics, if accurately taken, were not opposed to, but rather conducive to, their own interest. A statement of the mere acreage under corn crops did not give an accurate idea of the amount of the harvest that would be realized; but he thought it was desirable that all the statistical information which the farmer could give should be correctly given; and he cordially joined in the expression of a hope that the agriculturists of this country would not refuse to take the trouble necessary to render the Returns as useful and as reliable as possible. He thought their annual collection was absolutely essential to the utility of the Returns; and he therefore concurred in the appeal which other hon. Gentlemen had made for the withdrawal of the Motion of the hon. Member for South Leicestershire.

MR. HOSKYNS said, the great value of those statistics to the agriculturist was illustrated by the fluctuation in the price of corn in the years 1846 and 1867. He maintained that they ought to be taken annually, for the acreage varied from year to year by the very large quantity of land improved by drainage, the reclamation of bogs and waste lands, and acreage taken in by inclosure. He hoped the Returns would be rendered with increasing accuracy every year. They would be of great value to the consumer, and he believed that ultimately the farmers themselves would generally admit the benefits of the system.

MR. SHAW-LEFEVRE said, the speeches just delivered had been most conclusive against the Motion of the hon. Member for South Leicestershire (Mr. Pell). It was only five years since Mr. Caird succeeded in obtaining a victory over the Government of the day and getting these Returns. Since then only three annual collections had been made; and it was surprising how very accurate the Returns had been. In England alone out of 392,000 farmers all but 22,000 had given in their Returns. In Scotland—where the farmers were generally acknowledged to know their own interest better than in other parts of the country—the number who had declined to make Returns amounted only to one-half per cent. In England the percentage of those who declined varied greatly in different counties. In Yorkshire, Lancashire, and Northumberland, only 1 per cent declined; in Cumberland, only a half per cent; while, on the other hand, in Hertfordshire, Huntingdonshire, and some other counties, as many as from 30 to 37 per cent declined. He believed the fact to be that in these counties the large proprietors had taken a prejudice against these statistics, and advised the farmers not to fill up the Returns. In one county he was sorry to hear that a leading proprietor gave notice publicly that he would not allow the collector of the Returns to come upon his property. The refusals were, he believed, owing to the prejudice of the proprietors rather than to that of the farmers, because it was difficult to see how the interest of the farmers in the matter could be different in Hertfordshire from what it was in Cumberland. He thought there was no reason to believe but that in general the Returns made were accurate. Where the farmers refused to fill them up themselves, the collectors had instructions to get the information required as best they could in other ways; and, on comparing the information so obtained by the collectors with that contained in the Returns furnished by the farmers themselves, it was found that the results brought out were much about the same in both cases. There might be some few districts where, as stated by the hon. Member for Clitheroe (Mr. Assheton), the farmers made wrong Returns; but he did not believe that was so generally. The general accuracy of the statistics might be relied on, and, at all events, for the purposes of comparison between one year and another, they were of great value. At present the circulars were sent out to the farmers about the middle of June. They were requested to return them on the 25th of June, but the aggregates were not published till the 25th of September. Now, he thought it might be possible to enhance the value of the Returns by bringing out the result of them at the end of July or the beginning of August, but this could only be done by the co-operation of the farmers in filling up the Returns as soon as possible, or by making them compulsory. After the speeches delivered in the course of this discussion he need not trouble the House with any arguments to show the value of these Returns both to the farmers and the consumers. If, indeed, anyone desired to form an estimate of their great value and importance, it would only be necessary for him to consult the Returns for last year, which showed that of land sown with wheat there was an excess of 300,000 acres over the previous year. The hon. Member for South-east Norfolk (Mr. Read) might perhaps allege that it was generally known among agriculturists that there was an excess; but it was clear that the most experienced men had not the least idea of its extent, because one of the highest authorities on agriculture had published a pamphlet, after the harvest and before the publication of the official Returns, in which he estimated the excess of land sown with wheat at only 100,000 acres. The excess of 300,000 acres of wheat meant an increased growth for the year of 1,200,000 quarters, and of the importance of ascertaining this fact as early as possible he could not exaggerate. It meant that we should be relieved from the necessity of importing that amount from abroad, and that shipping to a large extent would not be wanted. The commercial arrangements connected with the supply of this quantity of wheat were, he need hardly point out, of a most extensive character, and therefore the sooner the facts bearing upon it were ascertained the greater the economy for all concerned. Farmers also were greatly interested in this subject, for if there were an impression on the minds of speculators in grain that the proportion of corn being grown in this country was not so great as it was in reality, they made their arrangements in accordance with their belief, and ordered more corn from abroad than was necessary. In this statement he was borne out by a Petition which had been presented to that House by a number of gentlemen connected with Mark Lane, and consequently interested in the importation of wheat. They asserted that the want of such information in former years had led to great losses to the merchants, as well as to the agriculturists, by inducing large importations of foreign corn, when a smaller quantity was actually required to satisfy the wants of the country. He ventured to hope with the hon. Member for Sussex (Colonel Barttelot) that the small minority of the farmers of this country who now declined to supply these statistics would in future co-operate with the Government and the other farmers with a view to the earliest and most accurate ascertainment of the facts. To be of real utility the Returns must be made annually, for changes occurred year by year. The Return for last year showed an excess over the year preceding in the number of cattle amounting to 322,000 head, and in that of sheep amounting to 1,700,000; so that it appeared that the loss sustained by the cattle plague of two years before had been much more than replaced. The same Return also showed that there had been 48,000 more acres of oats sown, and 84,000 more acres of potatoes. As bearing upon prices, it was of the highest importance that these facts should be known, and he might express an opinion that the collection of Returns once in five years only would be quite worthless. Under these circumstances, he hoped the Motion would not be pressed to a division.

Sir JAMES ELPHINSTONE said, he hoped his hon. Friend (Mr. Pell) would withdraw his Motion. Some years ago, the Highland Society of Scotland undertook to collect agricultural statistics for that country, and local committees consisting of the most intelligent farmers, were accordingly constituted in each district, and collected the statistics in such a way as to disarm all suspicion of inaccuracy. This, too, was done at a very trifling expense, as a proof of which he might mention that the whole cost of the collection of the statistics for Aberdeenshire was only £193. We knew perfectly the amount of all articles of large consumption imported into this country, and the only articles as to which we were in darkness were those of our own agricultural productions; but he could not doubt that when English farmers were disabused of the idea that the Returns were intended to serve a sinister object, or to be extorted by an underhand process, they would be as ready to furnish them as those of Scotland were. It was of very great importance that Returns of agricultural produce should be made in this country; and, in his opinion, they ought to be given to the public by the 20th of July in every year at the latest; as for quinquennial Returns, he felt satisfied that they would be of no possible use.

MR. READ on behalf of the Member for South Leicestershire (Mr. Pell), who was absent from the House in consequence of a domestic affliction, said he should have great pleasure in withdrawing the Motion, as he felt sure that his hon. Friend would be content with having had this matter fully debated, and in all probability set at rest, at least, for some years to come. Replying to some of the arguments adduced in the course of the discussion, he pointed out that the objections directed against quinquennial Returns were equally applicable to the taking of the population Census once every ten years; and as an instance of some of the practical difficulties in the way of filling up the circulars, he mentioned that his stock were grazing upon six different properties, and at present he had not finally decided what he should sow on a portion of his own farm. It should also be borne in mind that it was the yield, and not the number of acres sown, which was the really important point. He believed the acreage of wheat would be much less this year than it was last year; that the acreage of barley would be somewhat larger than it was last year; that the acreage of peas and beans would be more than had been ever known; and that of clover was very small indeed. If there were the same amount of wet cold weather in July and August as there had been in May and June we should, he believed, grow 100 days' consumption less of wheat this year than last; and under no possible circumstances could the deficiency be less than fifty days' consumption. The prejudices entertained by some farmers as to making the Returns had been caused to some extent by the action of the Government, and he might remark upon what was considered the childish apprehension among farmers that they might hereafter be called upon to pay a tax on horses used in agriculture; that the present Chancellor of the Exchequer was so extremely fond of uniformity that he had made the costermonger's pony pay the same tax as the nobleman's carriage horse; and, if it had not been for the exertions of the right hon. Gentleman in the Chair, every brood mare in the country would certainly have been taxed. These statistics might be theoretically useful and interesting; but so far as any practical benefit to the farmer himself was concerned, they might put the whole of them in one's eye and see none the worse for it.

Motion, by leave, *withdrawn.*

## EDINBURGH ANNUITY TAX BILL.

(*Mr. M'Laren, Mr. Miller, Mr. Crum Ewing.*)

[BILL 19.] SECOND READING.

Order for Second Reading read.

MR. M'LAREN, in moving that the Bill be now read the second time, said, it might be necessary, in the first place, to explain that its principal object was to reduce the number of ministers now in the City churches of Edinburgh, which at present was thirteen to ten, in order that by the saving of clerical power a small tax of 3*d.* in the pound, which is now paid by all occupiers of property within the ancient boundaries of the City of Edinburgh, may be entirely got rid of. In 1853, Mr. Adam Black brought in a Bill which had the same object in view as the present measure, though it took a different mode of attaining its object, leaving the clergy in possession of £2,000 a year, amply secured on docks, wharves, feu-duties, &c., in the town of Leith, and also of the seat rents. Mr. Black's Bill was twice carried in this House; but unfortunately, in 1860, he did not proceed with it, but withdrew it in favour of another Bill, which was introduced by the Government of that day. Referring to this subject, he would adopt the explanation respecting the authorship of the Bill, given by a deputation from Edinburgh, which waited upon the Home Secretary a few days ago. Mr. David Smith, the Chairman of the Edinburgh Ecclesiastical Commissioners, is reported to have said that—

> "As the settlement of 1860 had been effected by the Lord Advocate in the name and on behalf of the Government, the Church was entitled to ask the Government to adhere to that settlement."

Now he did not mean to challenge the statement, indeed, he admitted it; but the statement was not that an arrangement was made with the people of Edinburgh at that time, but only that arrangements were made on the part of the Church and on the part of the Government of that day. He would ask was the present Government to be bound by everything which had been done by preceding Governments? Were they not living in a progressive age? If, indeed, the Lord Advocate, as Member for Edinburgh, had supported and carried the Bill through Parliament in sympathy with the wishes and desires of the people of Edinburgh; if he could have said that the inhabitants, or Town Council, or public bodies, supported the settlement, and if these things could be proved—which he undertook to say could not—he admitted at once it would have been a very important fact; but so far from the people of Edinburgh approving of the Bill which was passed by Lord Palmerston's Government, they did everything in their power to oppose it. The Town Council of Edinburgh had circulated a paper among Members of the House, in which they stated that they had done everything in their power to stop the Bill; and warning the House that they would never accept such a settlement, but would go on agitating until they got it altered. Before the Bill passed large public meetings were held, protesting against it; and after it had become law, a great public meeting was held, at which it was agreed to get up a solemn protest against the settlement, and that solemn protest was signed by 7,600 rate-payers of Edinburgh, including nearly 3,000 electors. From these facts, which were incontrovertible, it could not be alleged that any settlement had been made with the inhabitants of Edinburgh, whatever might have been done on the part of the Church, and whatever might have been done by the Government of the day. Moreover, the present Government had no share in, and were in no way answerable for what had been done under Lord Palmerston's Administration; and he could show that the Administrations which intervened between that time and the present did not consider themselves as so bound. In 1866, the right hon. Gentleman the Member for Morpeth, then Home Secretary, and who had filled the same Office in Lord Palmerston's Administration, when the Bill was passed, agreed to the appointment of a Select Committee to inquire into the operation of the Act, which was obviously inconsistent with the notion of a final settlement in 1860; for if any such settlement was then made why should a Select Committee be appointed in 1866, to consider and report upon it? Nor did Lord Derby's Government consider that any final settlement had been made, for they brought in a Bill during their last year of Office to deal with the case of the parish of Canongate, which had two ministers, paid by a public rate of 1*s.* in the pound; and they carried the Bill to reduce the ministers from two to one, and the tax from 1*s.* to 3*d.* in the pound. All that the present Bill sought to accomplish was to abolish the small rate which was now imposed, and which amounted to 3*d.* in the pound. As to the details of the Bill objections were formerly taken with some of the clauses which were intended to give a complete guarantee for the life interests of existing incumbents. It was objected that these clauses would not be effective for the object in view; but when the Town Council took these representations into consideration they adopted and circulated draft Amendments to the Bill, which would remove all doubts as to the subject, and give complete security for the life interests of the ministers. He would trouble the House with only a few statistics. There were five ministers and churches in the New Town of Edinburgh, and eight in the Old Town. The population of the five New Town parishes was about 40,000; and there were a great number of empty sittings in these churches. The population of the Old Town was now about 30,000, and it had eight ministers and eight churches. What the Bill sought to do was to reduce the number of ministers in the Old Town by three, not interfering with the ministers in the New Town at all. In the Old Town there were about 15,000 Roman Catholics, leaving only about 15,000 Protestants of all ages; and for these the Bill proposed to leave five ministers. Edinburgh, moreover, teemed with Dissenting places of worship of every kind, both in the Old Town and in the New. Now, these considerations showed that there would be no hardship in making the reductions proposed. In the whole City of Edinburgh there were twenty-six Established churches and chapels of ease, and of these thirteen depended partially for endowments on this local rate which the Bill sought to abolish. There were thirty-five Free churches and nineteen United Presbyterian churches, making a total of fifty-four churches belonging to these two bodies—who were negotiating for a union, and who might be regarded as only one sect—or double the number of those belonging to the Establishment. Then there were twelve Episcopal churches, ten Baptist and Independent churches, and fourteen of the smaller churches; making altogether 116 Protestant churches, and three Roman Catholic churches, which brings the total number of places of worship in the City up to 119. It had been asserted that we propose by this Bill to make the City churches practically voluntary churches —giving them no public endowment; but the facts were altogether contrary to that assertion. Thirty years ago, the City of Edinburgh sold all its property and rights and interests in the harbour and docks and yards and shore ground of Leith under a valuation, afterwards sanctioned by Parliament. It was arranged that £2,000 a year of this sum, as the value of their interest, should be paid to the Established clergy. That had been paid for the last thirty years, and it was as good and as solid a security as any to be found in the United Kingdom; and if the Church Establishment was abolished to-morrow, this £2,000 a year would go into the coffers of the City of Edinburgh for the property which it had sold. In addition, the clergy would, by the Bill, be left with the pew rents amounting to £4,300, which were increasing at the rate of £120 a year. Then there was a certain amount of free-will offerings at the church doors amounting to £1,700 a year. We propose, in place of giving these free-will offerings to the poor, to let the poor be supplied from the proper quarter — the poor rates — and that these offerings in churches should go to pay the small miscellaneous expenses incurred—in the same way as in the Church of England, and in all the unendowed Churches. The pew rents might also be largely increased. In proof of this he might state that under the present system, in three of the most recently erected churches in the New Town, notwithstanding the enormous increase in the population, and that the rental of the City had nearly trebled, and the cost of education and of everything else had greatly increased—the average of the seat rents had fallen from £1 0*s*. 6*d*. in 1832 to 12*s*. a sitting in 1868; and in three churches in the Old Town, the average which, in 1832, was 12*s*. was now 5*s*. 6*d*. only. The Bill was based on the calculation that there would be from the seat rents and the £2,000 a year from Leith property an annual income of £600 for each of the ten ministers. There were too many of these churches—there was a mere handful of people in each; and if they suppressed three of the churches it would do good in place of being injurious; for the congregations would have nothing to do but to walk into other churches which were almost next door to them. The whole area of the eight Old Town parishes of Edinburgh occupied less than one quarter of a square mile, and if they shut up three churches, the only inconvenience would be that the people who attend them would have to turn a little way to the right instead of the left, and *vice versa*. No possible injury can accrue from the adoption of this scheme. There had been forty Petitions in favour of the Bill from all parts of Scotland; for this was not considered a local question. This annuity tax was the only existing rate for ministers' stipends in Scotland, and therefore the Nonconformists in all parts of Scotland objected to it. There had been only fifteen Petitions against the Bill, and they are mostly from presbyteries, and not from the people generally. There was only one other point he had to mention, and that arose from the statement which was made to the

Home Secretary by a gentleman to whom he (Mr. M'Laren) had already referred, who said that since the Bill proposed to raise the same sum from ten churches which was now raised from thirteen, it must fail practically But that did not follow. Take the case of the High Church, for example, which produced only £49 from new pew rents, but for which £120 a year was paid for the small miscellaneous expenses of the church. If this Bill were passed, the £49 would still be forthcoming in the other churches, where the parishioners took seats, but the £120 for miscellaneous expenses being already provided for in these churches, would be saved, and thus the general funds of the church would be increased by the change. In other words, the gross revenue would be the same as now, while the gross expenditure would be less by £120 a year for each suppressed church. He would not now trespass further on the attention of the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr.M'Laren*).

SIR GRAHAM MONTGOMERY rose to move that the Bill be read a second time that day three months. The hon. Member having gone at great length into the history of the annuity tax, and the various measures which had been introduced prior to the Act of 1860, proceeded to say that the Act of 1860 provided for thirteen ministers at £600 a year each, amounting altogether to £7,650; and in order to raise that sum it took the £2,000 from Leith, then the bonds of annuity which the Act granted to the Ecclesiastical Commissioners over the town, amounting to £4,200, and £1,450 from seat rents. There were several other very important provisions in the Act of 1860. Before that time the Corporation of Edinburgh managed the collection of the annuity tax, but under that Act the collection of the tax and the management of the City churches was handed over to the Ecclesiastical Commissioners of Edinburgh, who had ever since continued to manage the ecclesiastical property of the City. The Act of 1860 reduced the tax from 10*d.* to 2*d.* —which was a manifest gain to the City of Edinburgh—and the number of ministers was now only thirteen instead of eighteen. Then as to the proposal of the hon. Member opposite (Mr. M'Laren), he proposed to find stipends for the City clergymen in this way — He proposed that they shall have £2,000 from Leith. The hon. Member had not explained the origin of that fund, but it arose as an ecclesiastical revenue belonging to the Corporation of Edinburgh, in the shape of an annuity, payable to the Corporation in lieu of its property in Leith, harbour, docks, warehouses, feu-duties, &c., which were surrendered in 1838. Now it appeared to him (Sir Graham Montgomery) if the City of Edinburgh was to be excused from paying this £4,200, then the town of Leith would have an equal right to claim that this £2,000 a year should not be imposed upon them. The hon. Member also proposed that the annuity be reduced from £4,200 to £2,050, and that the Commissioners shall so regulate the letting of the seats in the Church that they shall never produce more than £4,800 in a year. Unfortunately, those rents have never produced that sum yet. The hon. Gentleman proposed to do away with three of the churches in which money for the seat rents were paid; he also proposed to make considerable alterations, so as to secure in a better manner the life interests of the clergy of Edinburgh; and in that way he held out a bribe to the clergy of Edinburgh to agree to the Bill by making their private interests so much better than they would otherwise be. He expected that these gentlemen, in their desire to secure better terms for themselves, would neglect the interests of their successors; but he (Sir Graham Montgomery) thought that in that matter he might be somewhat disappointed. Another most objectionable provision of the Bill was the proposal to take away the church-door collections, which were made every Sunday in Edinburgh, and which had hitherto been applied to assist in supporting the poor. No doubt the poor of Edinburgh, like the poor of any other place, were supported by the poor rates; but still there could be no doubt, also, that many an honest person was kept off the roll by the administration of this fund. He could not conceive a more excellent provision than this one which the hon. Gentleman proposed to do away with. The hon. Gentleman has said that the Act of 1860 was no compromise, for that it was not made with the consent of the inhabitants of Edinburgh, but was only an arrangement between the Government of the day and the Established Church; but anyone who read the evidence that was given before the Select Committee in 1866, would find from many statements that many people consider the Act of 1860 a compromise. The Lord Advocate himself had stated distinctly that the Act of 1860 was a compromise. The right hon. Gentleman said—

> "I hold, as far as I am concerned, and shall hold as long as I have a voice in public matters, that until the men with whom I made the compact of 1860 come forward to me, willing to relinquish it they are entitled to require me to uphold it, and I am determined to do so."

Then the Town Council of Edinburgh were equally committed to that compromise, for on the 30th of April, 1860, a meeting of the inhabitants of Edinburgh was called by the Town Council to consider the Bill which was then in progress, and that public meeting passed a Resolution—

> "That in reliance that every effort will be made for attaining aid from other sources towards the reduction of the tax and for the sake of the peace of the City, and as the condition of an immediate settlement, the meeting would acquiesce in the proposal of a tax on occupiers which would enable the Corporation to provide stipends for the present ministers, and ultimately for fifteen, at £600 a year—taking the seat rents as stated in the tables of the Lord Advocate, commencing with a free balance of £1,660 till they reached £2,500, the tax to be redeemable in the option of the ratepayers, and undoubted security to be given for the payment of the stipends."

Another party to the compact of 1860 was the Church of Scotland, or rather the Presbytery of Edinburgh; for the ministers, instead of having £550 a year now would have received stipends of £800 a year; and the Church also made a great sacrifice of principle in reducing the number of ministers. Then there are other parties who were also concerned in this matter; for instance, previous to 1860 the College of Justice, which consists of writers to the signet—the barristers and advocates of Edinburgh, were exempted from the annuity tax, but under the Act of 1860 they agreed for the first time to pay their share. Another thing he wished to mention was that as the Lord Advocate first introduced his Bill in 1860, he proposed to establish a sinking fund, by which, if that proposal had been adopted, the tax at this moment would have been more than half-way redeemed; but the Corporation of Edinburgh declined the arrangement. It should also be mentioned that if the ministers of Edinburgh ceased to collect this fund, the payment of the ministers, so far as the City of Edinburgh was concerned, would be in exactly the same position as in many of the other burghs of Scotland—as for instance in Glasgow, where the ministers of the Established Church were paid their stipends derived from the commonality of the town; and the same was the case in Perth, and in other places. He hoped, therefore, the House would not interfere with the settlement produced by the Act of 1860. He would conclude by moving that the Bill be read a second time on this day three months.

MR. ORR EWING*: Mr. Speaker, it is with considerable hesitation that I rise to second the Motion which has just been made by my hon. Friend, and to address a few remarks to the House upon the Bill which is now under discussion; and I venture to do so because I believe that this Bill aims a heavy blow at the existence of the Church of Scotland, an institution which I feel has done more to mould the character of Scotchmen, by its teaching from the pulpit, and its admirable system of parochial schools, and to make Scotland what it is, than all the other institutions in that country. It is that institution which has made our people self-reliant, independent, industrious, and peaceable; and notwithstanding that we suffer from an inferior climate and an inferior soil, there is no part of Her Majesty's dominions which is more prosperous, more contented, or more happy than Scotland. I wish, in the first place, to direct the attention of this House to the Preamble of the Bill which has been introduced by the hon. Member for Edinburgh. The Preamble, instead of doing that which a Preamble is generally supposed to do, conceals the real intention of the Bill rather than gives expression to the force of its clauses. The Bill is entitled—a Bill to abolish the annuity tax for ministers in the parish of Canongate, and for other purposes; and the Preamble goes on to say it is expedient that the annuity tax for ministers in the parish of Canongate on behalf of the ministers of the parish should be abolished, and other provisions should be made respecting future payment of said ministers in the City of Edinburgh, by amending certain Acts upon the subject. I am sure hon. Members would believe from the title and Preamble of the Bill that its principal object was to abolish the annuity tax in the parish of Canongate, and to provide for a change in the provisions relating to the other ministers in the City of Edinburgh, which would be equally secure and satisfactory to the clergy of the Church of Scotland, and, at the same time, less objectionable to the Dissenters of Edinburgh. But what is the real object and intention of the Bill, and what do its clauses carry out? Its clauses carry out the entire disendowment of the Church of Scotland in Edinburgh, with the exception of £2,000 paid to the Church by the town of Leith, to which I will again refer; and to disendow the Church of Scotland is to disestablish it, for we acknowledge no supremacy of the Crown, and the sole reason why we are an Established Church is because we are endowed by the funds which this Bill, if passed, will rob us of. I therefore think, Sir, that it would have been more straightforward on the part of the hon. Member for Edinburgh had he followed the example of the right hon. Gentleman at the head of the Government, in his Irish Church Bill, and called this Bill, a Bill to put an end to the Establishment of the Church of Scotland in Edinburgh, and to make provision in respect of the temporalities thereof. This Bill may be generous to the rich inhabitants of Edinburgh, by relieving them of payments which they hitherto have made; but it is by no means generous to the poor, for one of its provisions is, that the money now collected at the church door, which is distributed amongst the deserving poor of the City parishes, is to be used for the payment of the clergy. We are taught by the highest authority how great is the virtue of giving to the poor, but what shall be the reward of those who do not give, but who taketh away from the poor? It is also provided that the seat rents are to be handed over to the clergy, but in country parishes seat rents in the Church of Scotland are unknown; people, therefore, going to live in towns from the country do not think of taking seats and paying for them, because they have never been accustomed to do so. I need not go into the history of the annuity tax, because that has already been so ably done by my hon. Friend the Member for Peeblesshire. I should just wish, however, to call the attention of the House to a fact that my hon. Friend omitted to go into, and that is that when the agitation first took place in 1851 it was not so much because of the burden of so many ministers, but because of the injustice of certain portions of the inhabitants being relieved from the tax. In 1851, after the Report of the Select Committee, a Bill was brought in by Lord Dalhousie, and why was not that Bill carried through Parliament? Because of the opposition of the Church party. Who was the Gentleman who promoted that measure? The hon. Gentleman the author of the Bill now before the House. In 1852 and 1853 similar Bills were brought in and supported by the hon. Member for Edinburgh and his Friends, but again they were opposed by the Church party, and consequently withdrawn. In 1857 a Bill was introduced by the present Lord Advocate, but it was not carried, through the opposition of the Church. After other attempts at legislation we come to the Act of 1860, by which the Church of Scotland made great sacrifices for the sake of peace, and the inhabitants of Edinburgh received great benefits. The number of clergy was reduced by this Bill from eighteen to thirteen, and the tax upon the inhabitants was reduced from 10*d.* to 3*d.* in the pound. The hon. Gentleman has stated that if the inhabitants of Edinburgh had given their consent to that Act he would admit that he and the inhabitants of the City were bound not to disturb that settlement, but that they did not give their consent. But the hon. Baronet who moved the rejection of the Bill read resolutions which had been passed at a public meeting of the inhabitants, which had authorized the Lord Advocate—who I am glad to see now in his place—to carry that Bill. The principle of that Bill was satisfactory to the people of Edinburgh. The hon. Member seems to consider that he had proved, to the satisfaction of this House, that because, in 1866, a Royal Commission was issued to examine into the operation of that Bill of 1860, and also because, under Lord Derby's Administration, a Bill was brought in—in 1867—for the diminution of the Canongate ministers, that the late Government did not consider the question finally settled; but every Member of this House knows how easy it is to get Select Committees, or Commissions, appointed on questions with which the House does not agree. As to the Bill of 1867, its object was only to settle the affairs of another parish which had not been included in the arrangement brought about by the Act of 1860. I am sure that if hon. Members will take the trouble of reading the evidence which was given before the Select Committee which sat in 1866, they will come to the conclusion that not only the City of Edinburgh, but especially the hon. Member himself, is bound, in honour, not to disturb the arrangement which was made by way of compromise in 1860. The hon. Gentleman has said that since that settlement he has learned wisdom. Now there are two kinds of wisdom—there is the wisdom of the serpent and the wisdom of the dove. I do not know to which he lays claim; but I do think the hon. Member has not been taught that wisdom which tells us to do unto others as we should wish others to do unto us. Nor has he been taught that wisdom which induces a man, whether acting in his public or private capacity, to adhere rigidly to all agreements into which he may have entered. I have no doubt the hon. Member considers, from the peculiar circumstances of the last General Election, that he has received great adventitious aid to rely upon in proposing to carry out the destruction of the Church of Scotland in Edinburgh. He, no doubt, thinks that hon. Members, who have been sent to this House to support the right hon. Gentleman at the head of Her Majesty's Government in disestablishing and disendowing the Irish Church, will not be acting consistently if they do not support this Bill, which is to disendow and disestablish the Church of Scotland in Edinburgh. I would, however, direct the attention of hon. Members to the fact that the two cases are not parallel. The Church of Scotland cannot be called an alien Church. It cannot be said, either as regards its doctrines or its form of worship, that it is not in consonance with the feelings of the people of Scotland. On the contrary, it is that Presbyterian form of worship for which our forefathers fought and conquered, and which, at this present moment, is in strict conformity with the feelings and aspirations of the people of Scotland. No doubt, it is not now the only Presbyterian Church—we have the United Presbyterian and Free Churches; but, although we differ in one important point of Church government, yet, in all the essentials of a Christian Church, we are the same. Even in our government, with one exception, we are identical. We are governed by our Kirk Sessions, our Presbyteries, our Synods, and our General Assemblies, in all which the laity are fully represented, having equal powers with the clergy in all their deliberations—a system of government, I venture to think, that is most wise and worthy of imitation by all Churches, for, in my opinion, it is the best safeguard of the energy, the purity, and the popularity of the Church. The part of Church government in which the Dissenting Churches differ from the Church of Scotland is patronage. The law of patronage has been the cause of all the dissent from the Church of Scotland for the last century and a half, and is at this moment the chief cause of our continued separation. It was the sole origin of the great disruption of 1843, an event which will be ever memorable in the annals of our country, exhibiting as it did the noblest sacrifice ever witnessed of nearly 500 men giving up churches, glebes, manses, livings, and everything that could be held dear, for the maintenance of what they believed a great principle. Much has been said on behalf of the Free Church, and I willingly add my testimony in her behalf. She has done noble things. Her efforts with respect to education are beyond all praise. But I ask is there nothing to be said on behalf of the old Church of Scotland and of that gallant band of brave, good men, who did not believe it to be their duty to leave the Church in 1843, but who stuck by the sinking ship, and not only took her safely into harbour, but have so repaired and strengthened her, that she is more capable than ever to carry the glad tidings of the Gospel not only through our own land, but into our colonies and dependencies? I think, Sir, there is much to be said on behalf of that Church. There never was a Church placed in such trying circumstances as the Church of Scotland then was, and which, notwithstanding, is at present doing more good, and is more powerful than it was in 1843. I should like to correct the statistics on this subject, which were given by the junior Member for Edinburgh on one occasion on which he addressed the House. On that occasion the hon. Member said that the combined strength of the United Presbyterian Church and the Free Church amounted to between 1,500 and 1,600 churches; whereas, that of the Established Church amounted to about only 900. I wish to inform the hon. Member and the House that the number of churches belonging to the United Presbyterian Church in Scotland amounts to 493, and those of the Free Church at 872, making in all 1,365 churches; whereas, the number of churches belonging to the Church of Scotland amounts to 1,250, being 350 more than the hon. Gentleman gave us credit for. When the disruption took place in 1843, the Church of Scotland had only 1193 churches. Since then we have increased that number by fifty-seven. We have also endowed since 1843, 131 churches, at a cost of not less than £496,500. The hon. Member has attempted to show to this House by statistics — of which he is a great master—that the Church of Scotland is in a dead state. Now, I should like to call the attention of the House to what the Church of Scotland is doing in the way of education, of endowments, and of promoting other philanthropic objects for the benefit of mankind in Scotland and throughout the world. We collected in 1868 no less than £165,093 for educational, missionary, and charitable purposes at home and abroad. For education at home we collected last year £22,847. For home missions, £69,397, and for endowment, £40,700—in all, £132,944; whereas the Free Church collected last year for missions and education, £66,729, and for local building fund, £56,279, making in all £123,008. I hope, therefore, the House will not be led away by the statistics of the hon. Member, because I believe the Church of Scotland was never more active and energetic than she is at the present moment. I think I have shown that the case of the Irish Church and of the Church of Scotland are not parallel cases. But, assuming that they were, I should like to ask does the hon. Member deal with the question in the same way as the Premier has dealt with the Irish Church? What does the hon. Gentleman the senior Member for Edinburgh propose? That the £4,200, which is now paid by the inhabitants of Edinburgh, under the Act of 1860, should be taken away from the Church. But does he propose to value that at twenty-two and a-half years' purchase; or that, after it has been taken from the Church, it should be applied to the public purposes of the nation? Not at all. He proposes nothing of the kind. But he proposes that the inhabitants of Edinburgh should absorb this money. Now, I should like to know what right the people of Edinburgh have to this money any more than the landlords of Ireland to the tithes? The House will be no longer surprised at the popularity of the hon. Member for Edinburgh, the author of this Bill, which, while it robs the Church of her property, enriches the people of Edinburgh. Nor will they be at a loss to understand how it was that the right hon. Gentleman the Lord Advocate, of whom every Scotchman is justly proud, and who enjoys the confidence and esteem of Members on both sides of the House, was obliged to withdraw from the representation of the City of Edinburgh, because he preferred to maintain the integrity of an arrangement solemnly entered into and confirmed by the Act of 1860, to the following of the leadership of the senior Member for Edinburgh. It is not the first time that the inhabitants of Edinburgh have repented of their conduct to one of Scotland's greatest sons, and I feel certain the day is not far distant when the City of Edinburgh will make reparation to the right hon. Gentleman for the treatment he has received, because of his honourable conduct in this matter. It is true that the Bill does not entirely disendow the Church of Scotland in Edinburgh, because it leaves the £2,000 which is obtained from the harbour of Leith. The hon. Member laboured hard to shew that this property belonged to the City of Edinburgh, and not to the harbour of Leith. But the hon. Gentleman forgets that the grant was given to the Church of Scotland a century and a-half ago of 1 merk Scots upon every ton of goods coming into the harbour of Leith, which grant was commuted into a fixed charge of £2,000 in the year 1838, when the City of Edinburgh having got into a state of bankruptcy sold the harbour of

Leith to the inhabitants of Leith. Now, I should like to know upon what principle the hon. Gentleman proposes to relieve his constituents of the payment of £4,200 a year, which is the sum paid under the Compromise Act of 1860, and to leave the inhabitants of Leith still burdened with the £2,000? The latter are surely more entitled to be relieved from the payment of that sum than are the citizens of Edinburgh from the £4,200; because, while a certain portion of the inhabitants of Edinburgh do derive a benefit from these churches being in their midst, the people of Leith can receive no possible benefit therefrom, as they are at too great a distance to have the advantage of the ministration of these particular clergymen. But it would not suit any party or political purpose that this £2,000 should be given back, and hence the indifference which is shewn as to whether it is taken away or not from the Church of Scotland. Does this not prove that there is no principle involved in the Bill? It is only a Bill to rob the Church and enrich the owners of property in Edinburgh. It is entirely a Town Council question, got up for party purposes, and that the citizens of Edinburgh take no part in the matter. In order to show that such is the case, I will just read to the House an extract from the most talented paper that we have in Edinburgh—a paper which has the widest circulation, and which is sure to receive at the hands of hon. Gentlemen opposite the greatest consideration; because I say, without hesitation, that it is the most powerful lever on behalf of Liberalism which exists in this country. I allude to the *Scotsman*. The *Scotsman* of April 7, 1869, says—

> "However desirable, or however objectionable, the object of the meeting here on Tuesday night, presided over by the Lord Provost, the meeting itself certainly supplies another instance of the fact that public meetings in Edinburgh receive little countenance from the public. The public may, or may not, be in favour of the propositions made at the meeting; but assuredly the public is giving itself no trouble one way or the other. The meeting also illustrated another peculiarity of our municipal condition—the almost entire separation between the Town Council and the town. The reporters seem to have stretched a point to make out a good platform list, but it is almost all Town Council, *et preterea nihil*. The fullest lists contain fourteen or fifteen Town Councillors, and five or six other lay citizens—one even of these a salaried officer of the Council. The question before the meeting was one about taxation, which makes it additionally strange that so nearly all the zeal should be monopolized by Town Councillors, who represent the local taxpayers so imperfectly that a virtual majority of those who elect them pay only one thirty-fourth part of the City's burdens. There was something, perhaps, even stronger still—those Town Councillors who make a business or trade of agitating this miserable question are almost all elected by that half of the city which has not a ½*d.* of interest in the matter—which never had more than the false pretence of an interest, and last year lost even that. The grievance of the municipal agitators used to be that, under a compromise suggested by themselves, and an expedient devised by their own Parliamentary representative, they had to pay 4-5ths of a penny, not to the clergy, as they represented, but to a municipal fund devoted to purely secular purposes; and now that that grievance has been removed they seem only the more aggrieved—their wound was great because it was so small, and now it is greater because it is none at all. There are two ways in which the question of provision for the clergy of the Established Church in Edinburgh might be honestly and reasonably dealt with. Let it be abolished altogether along with all such provisions throughout Scotland, or till things are ripe for that settlement let the Edinburgh arrangement remain as it is, which is where it was placed by the request of the very parties who are now assailing it, and with the reluctant consent of all the other parties interested. There is just as much or as little reason for abolishing the Established Church elsewhere as here. The Edinburgh clergy are now paid just as the clergy of Glasgow, Dundee, Stirling, or other towns, by a fixed payment from the burgh funds, and not from the produce of any particular tax."

I should like to ask the Government if they are prepared to support the principle of this Bill and the proposed appropriation of the money? If so, then common justice should compel them to hand over the funds of the Irish Church to the Irish landlords. It would be less objectionable to do this in Ireland than to do in Edinburgh what is proposed by this Bill. Some hon. Members may think from the fact of Scotland having returned so many Liberal Members to support the Premier in disestablishing the Irish Church, that Scotland is in favour of severing all connection between Church and State. I have no hesitation in saying that the feeling of Scotland is quite the reverse. The great majority of Scotchmen believe that religion is the foundation of all sound government; and the true cause of the great preponderance of Liberal Members returned to this House by Protestant Scotland at the last election was that Scotchmen, not unmindful of their own struggles, did sympathize with the Roman Catholics of Ireland in having thrust upon them an alien Church, with whose doctrines or form of worship the great majority of the people do not agree. Although the Scotch people have no sympathy with Roman Catholics in religion, yet they had sympathy with simple justice; but, though wishing to see justice done to Ireland in this matter, I believe the people of Scotland are as sincerely attached to the principle of connection between Church and State now as they were at the time of the disruption in 1843. It was said by Members of the Government during the General Election, and by many of their ardent supporters, that the injustice of the Established Church in Ireland was a source of weakness instead of strength to the Established Churches of England and Scotland; and that it was a delusion to say that, if the Irish Church was disestablished, it was the intention of the Government to disestablish the other Churches too; and they declared that they had no such intention. I give them full credit for sincerity in these declarations; but I warn the Government that if they support the second reading of this Bill they will create the greatest alarm throughout Scotland at least, if not throughout England, because the people will begin to doubt the sincerity of those declarations. I appeal, then to the Government not to support this Bill. For my own part I trust the day is far distant when the Church of Scotland shall be disestablished; for I believe she is an active and zealous Church, that is doing much good work; and I hope she will for many centuries remain the Church of the people, carrying the consolations of the Gospel to the bedsides alike of the rich and of the poor.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Graham Montgomery*).

Mr. MACFIE said, that the constituency he had the honour to represent joined their neighbours of Edinburgh in their desire to have this question at length settled. The endowments of Edinburgh did not date back to the time of the Reformation; they were originated, or applied to the Church in Edinburgh, a century later. The people of Edinburgh wisely and befittingly wished to provide ministrations suited to the metropolitan character of their city. The Parliament of Scotland gave effect to their views. In the Scotch Act imposing the annuity tax you read—

> "For-as-meikle as the City of Edinburgh, being the chief and principal city of this kingdom, whither upon occasions of the sitting of Parliament, for the most parte, the Secret Council and Session, and other great judicatures within the same, the nobilitie, gentrie, and people of the kingdom, of all sorts, and from all the corners of the country, do daily repair and resort, not only the inhabitants of the said burgh, but the whole kingdom is concerned that able and faithfull ministers, of partes and abilities suitable to the eminency of the place and weight of the charge, should serve in the said city, and for their encouragement competent stipends should be settled and provided for them. And the said town having been at vast charges for building of churches and public works upon that and other occasions, the common good and patrimony thereof is exhausted and overburdened, and upon the considerations aforesaid the inhabitants of the said burgh, who have the comfort and benefit of the said preaching of the Gospel, and ministery within the same, and His Majesty and Estates of Parliament, considering that there is not a more easie and effectual way for providing and paying the stipends than in manner and by the imposition foresaid, and that it is just and necessary that the same should be authorized and sattled by ane perpetual law in all time coming."

By this quotation you will observe that not only have the inducing circumstances changed with respect to the sittings of Parliament, the residing of nobles, &c., in Edinburgh, but the justification alleged no longer exists. The persons who obtain the benefit of the religious services provided for are no longer those who pay. You have just heard what a large proportion of the inhabitants are not connected with the Established Church. Many also now live not *intra* but *extra muros*. He believed the settling of this question would be greatly to the advantage of the Church of Scotland. He agreed with hon. Members opposite that it was not a decaying or lifeless body. He looked forward to its being re-united in vigorous life with other large bodies in Scotland. It was a happy indication that the Church of Scotland seeks again to be freed from patronage. He was happy to be one of a numerous deputation who, a few days ago, waited on the Prime Minister, and were well received on this object. The present Bill provides for the acquisition and exercise of patronage by congregations. It was in his (Mr. Macfie's) opinion a great recommendation of this Bill to the House's attention and favour that it is promoted by the Town Council of the City of Edinburgh—the very body who had originally assigned the endowments which they now see have become anomalous and objectionable—a corporation which had all the stronger claim on their confidence, inasmuch as it has—throughout, so far as he knew—used its right of presentation with remarkable discretion. The object sought was reached by three different endowments—Bishops' Teinds—the merk per ton, a tax imposed on all goods brought into Edinburgh and Leith by land or water—and an annuity or rent-charge. The first of these Government very long ago re-claimed and took to itself; the second exists no longer, with respect to goods brought to Edinburgh by land. With respect to goods brought by sea there are remains of it in the payment of the £2,000 a year to the Edinburgh clergy, of which he had been glad to hear hon. Members on the other side speak as they have done. He trusted the time was coming when Leith would get justice in this matter. His hon. predecessor in the representation of the district opposed all attempts to rid Edinburgh of its burden because the burden on Leith was not at the same time cancelled. He preferred the other course of helping Edinburgh, in reliance on the good feelings of our neighbours and the justice of the House. He left the matter to be considered and settled at the proper time. There were likely to be fitting opportunities, either when the general subject of ecclesiastical endowments should be under review, or when there should be legislation on the subject of charges levied on shipping and at ports for other than maritime and port purposes.

LORD ELCHO said, he would explain in a single word what the measure really was. It was simply a Bill to reduce the number of ministers from thirteen to ten. But the real and important point was whether it was advisable that they should have in the City of Edinburgh the question of ecclesiastical endowments revived? It was really the Irish Church question applied to Scotland—were they to have religious endowments in Scotland? To read the outside of the Bill one would suppose that it was a measure to abolish ministers' money in Edinburgh, and to make other provisions in respect to the stipends of ministers in that parish. Well, what were those other provisions; how did the Bill secure to the Established Church in Edinburgh by other means the things necessary for the maintenance of worship? The hon. Member's explanation was that the Church was to have £2,000, which was to come from Leith, and were to have the pew rents and the church door collections. With the exception of the Leith fund, there was absolutely nothing, because the pew-rent system was simply a voluntary one, and the effect of this Bill would be to relieve the Church of these voluntary sources, because the pew-rents were to be paid to the general fund; and, as regarded the collections at the church doors, they were simply as now for the relief of the poor. So that, in fact, the Bill was a double measure for robbing the Church and plundering the poor. That is the plain English of the measure. He did not pretend to say whether endowments were right or wrong; but do not let hon. Members go into the Lobby with a false impression as to what the Bill meant. It meant that you are to accept the principle of disendowment in regard to ecclesiastical establishments. But the question was really a subordinate one on the part of those who were promoting that Bill. What was really meant was the assertion of the voluntary system for the maintenance of ministers. The question was simply one as to religious endowment; and as this question had been raised in Ireland, so it would be raised in Scotland. Perhaps Wales might be the next in respect to disestablishment and disendowment. The present measure, he maintained, was a distinct departure from the engagement and compromise entered into by his right hon. Friend the present Lord Advocate in 1860. Whether it was right or whether it was wrong, it was a compromise deliberately entered into by both parties. The tax was reduced from 10½*d.* to 3*d.*, and gave other relief, and his hon. and learned Friend said—"We bought that relief by a settlement which we made with the ministers." That was a distinct compact, and if he knew the character of that House they would uphold it.

MR. MILLER said, he supported this Bill because, if carried, it would produce something like peace in the City of Edinburgh; and he must remind the House that the Lord Provost had said that if it is not carried he would not be responsible for the peace of the City. The Established Church in Edinburgh is at a discount in consequence of the controversy constantly arising on this question. Were it removed by the passing of this Bill, that Church would be on the same footing as other Churches there. But there could be no peace while it stood in the way. There are within the Parliamentary burgh twenty-six Established churches, fifteen maintained by endowment, and eleven voluntary; and, beyond one which has not yet been opened, these churches have not increased since 1843. The hon. Member for Dumbartonshire (Mr. Orr Ewing) said that in his part of the country the Established Church was flourishing, but he did not give any facts to prove it. He talked of having got £400,000 in twenty-six years. Why, the Free Church during that time has raised between £8,000,000 and £9,000,000. The Bill asked £4,000 a year from the rich Church party of Edinburgh—certainly a small sum, looking to the fact that one denomination, the Free Church, has alone built within Edinburgh thirty-five or thirty-six churches, and has maintained every one of them. Other denominations are flourishing in a similar fashion. He should be sorry to see that the Established Church could not be kept up in Edinburgh; he knew many excellent ministers in it, and he believed that were it relieved from the odium of the annuity tax it would be the means of doing great good.

The LORD ADVOCATE said, he had not intended to take any part in the discussion; but after the observations which had been made, he could not avoid saying a word with respect to the arrangement which, with the consent of his hon. Friend (Mr. M'Laren), they carried, with such an overwhelming majority, at the request of the Town Council of Edinburgh, which he admitted supported the measure in the most substantial manner. He consented to do so in consequence of receiving at public meetings and elsewhere decided proof of the public feeling in the matter, and when the measure was carried through Parliament and became law, it gave large relief to the rate-payers of Edinburgh. But, at the same time, it was right to say that a great many people raised a great deal of opposition to the measure, and protested against it. Under these circumstances, when the Bill passed it was rather a Parliamentary compromise than a binding engagement. It was impossible for Parliament to bind either its successors or itself; and even those who took part in the proceedings were not in the least excluded from exercising their own opinion upon certain questions which arose subsequently. The contested election for Edinburgh in 1865 turned altogether upon this question of settling the annuity tax. He (the Lord Advocate) was opposed to any unsettling of the compromise of 1860; and although, he was sorry to say, he had not that amount of encouragement which he might have expected, he could not regard that as any reason for altering his opinion as to the binding nature of a compact which had been so solemnly entered into. He had maintained that opinion throughout; and upon that ground he opposed the Motion for the second reading of the Bill of last year, although he was quite aware of the risk he ran in doing so. Subsequently, on the General Election of last year, he took leave of his constituency on this plain ground—that he felt he could not, as their representative, be a party to undoing the settlement of 1860. He felt that he ought not to engage in a contest in these circumstances, and thought it more proper and due to himself to take the course which he adopted, holding himself perfectly free and entitled to consider this annuity tax question in the future, and to adopt what course he might feel it his duty to adopt with regard to it in the circumstances that might arise. To the position which he took up as representative of the constituency of Edinburgh he still adhered. He was, therefore, perfectly free to consider the question which had now arisen—what course they were to follow in the present circumstances. He was not prepared to throw over the settlement of 1860; but, at the same time, neither was he prepared, in the circumstances which had arisen, to oppose the second reading of the Bill. The reason why he was not prepared to oppose the second reading of the measure was this—There was an excitement, there was an agitation in respect to this matter; he could see no end to it; and he found that a certain portion of those gentlemen who supported him in bringing about the settlement of 1860 had now come to be of opinion that the time had arrived when the matter ought to be re-considered. He therefore did not intend to offer any obstruction to the second reading of the Bill; but he did not see his way to go further; and he thought it was likely he might oppose the measure in its future stages. If there was really a wish to get rid of this tax, the means were not far off, for the truth was that the tax could only be levied when required for municipal purposes, and the revenues of the Town Council were increasing so steadily that it might before long become unnecessary to levy it.

MR. GATHORNE HARDY said, that every hon. Member would of course take the view which his conscience dictated as to the course he should pursue upon this question. But how stood the case? What took place in 1860? There were several parties to the compact then made. There were the people of Edinburgh themselves, the Town Council, the members of the College of Justice, and the Government, as represented by the right hon. Gentleman opposite (the Lord Advocate). Now, had no alteration taken place in the position of these different parties since the compromise was entered into? First, the College of Justice undertook to bear a burden of 3*d.* per pound, not having been liable to pay anything on that account before. Yet he did not find that the Town Council, while desirous of getting rid of the burden themselves, were equally anxious to relieve the College of Justice. With respect to the Corporation, as representing the people, they were relieved of a tax of 10½*d.* in the pound, which might have been 14*d.* in the pound, and that was reduced to 3*d.* Upon that consideration they passed the resolutions which the right hon. Gentleman (the Lord Advocate), as he contended, had a perfect right to regard as confirming the Bill he was bringing in, and as agreeing to the terms on which the Bill was proposed. The Corporation were thus relieved of the 10*d.* in the pound, and they undertook for that to give a bond for a payment in perpetuity—for whom? Not for the same number of ministers as before; for the Church had agreed to reduce the number to thirteen. So that all these parties had changed their position; and now you came forward to undo a compromise, not of the nature represented by the hon. Member for Edinburgh, but which must be regarded as binding upon all the parties to it. He was not going to argue this question as a question of disendowment, but as a question between man and man, and he asked whether it was a proper thing, when only nine years have elapsed, and when the parties to the compact were still living, to upset a compact so solemnly entered into—a compact to which the Government, the Church of Scotland, the Corporation, and the College of Justice are all parties. He asked whether, in passing this Bill, the House would not be entering on a very dangerous course? He was not disposed to undervalue the excitement and agitation which might exist in Edinburgh, with regard to this annuity tax question, but he could remember how that agitation arose. It did not originate with the people from any dissatisfaction with the settlement of 1860, but with some of those very persons who were parties to that compromise. He asked whether it was just, whether it was moral—that that House, nine years after so solemn an engagement was made, should undo that engagement—a compact which, he maintained, that House ought rather, with all its strength and moral power, to uphold?

SIR EDWARD COLEBROOKE said, that as to the settlement of 1860, he thought his right hon. Friend (the Lord Advocate) was fully justified in regarding the resolutions of the Corporation as warranting him bringing in that Bill of 1860. The hon. Member for Edinburgh (Mr. M'Laren) said there was no compact between the Government and the people of Edinburgh; but the fact was that the Government acted in direct accordance with the wishes of the people of Edinburgh. All that was objected to was that his right hon. Friend had rated too low the receipts that would be derived from the pew rents, which was a very trifling matter comparatively. He thought therefore, that his right hon. Friend did quite right in proceeding with the Bill on the assurance of those resolutions, backed up as he was by the all but unanimous support of the Members for Scotland. The Church made concessions, and gave up advantages which they possessed, in order that that compromise, which he regarded as a desirable settlement of the question, might be carried out, and in these circumstances, and seeing that the arrangement, before it was finally entered into, underwent so much deliberation, it ought not, he thought, to be lightly upset. He admitted that the settlement of 1860 might not have been perfectly satisfactory. He thought, the manner in which the Church funds were lumped together was an objectionable feature of the Bill; but he was of opinion that the Church of Scotland would derive increased strength from greater independence of action, and that with this view some arrangement might be entered into by which—sufficient security being given—a portion of the annuity tax might be surrendered. In that way, he thought, it was quite possible that some solution of the question might be arrived at; but he would resist to the utmost any such interference with the settlement of 1860, as was proposed by this Bill.

Mr. M'LAREN briefly replied, saying, with regard to the observations of the Lord Advocate, that the right hon. Gentleman had really admitted all that he (Mr. M'Laren) had contended for—namely, that the people of Edinburgh, before the Bill of 1860 passed, in place of approving of it, did remonstrate strongly against its passing in the shape in which it did pass.

Mr. BOUVERIE said, he should vote against the second reading. He had always been of opinion that this annuity tax ought to come to an end, and he thought if the hon. Member for Edinburgh had brought in a Bill properly framed, there would not have been much difficulty in accomplishing that object. But he objected to this Bill because it was a Bill which repudiated the obligation to pay the tax; the contract and the life interest involved were entirely disregarded, and the security of the parties was altered. The ministers were placed on a new footing with regard to their salaries; the securities guaranteed to them by Act of Parliament were altered; the basis upon which these securities were obtained was destroyed, and they were placed upon the shifting basis of pew rents. Such a Bill ought not to be passed by this House, and he thought it due to protection of the rights of contract that he should give his vote against the second reading.

*Sir Edward Colebrooke*

Mr. BRUCE said, that if he could regard this arrangement of 1860 as a contract between individual parties, he should have no hesitation about giving his vote against the measure; but when they came to deal with a public body, and especially under the peculiar circumstances of the case under consideration, the question became more difficult. He admitted that the resolutions passed by the Town Council when the Bill of 1860 was before this House were sufficient to justify the framers of the measure in proceeding with it; but it must also be borne in mind that before the compromise was finally effected, the Town Council did, in the strongest possible manner, on behalf of the inhabitants of Edinburgh, state their objections to that compromise, and the subject had been of continual turmoil ever since. It was the duty of Her Majesty's Government to give full weight to these considerations. What they had to do was to see that the rights and interests of all parties were secured and cared for; and in these circumstances, without pledging himself to the details of the measure, which would be open to discussion in Committeee, he was prepared to support the second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 151; Noes 142: Majority 9.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Tuesday* next.

## PARTY PROCESSIONS (IRELAND) BILL.

(*Mr. William Johnston, The O'Donoghue.*)

[BILL 6.] SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [16th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

Mr. CHICHESTER FORTESCUE said, that having been unable, owing to the lateness of the hour, to address the House on the former occasion, he wished now to say that it was not possible for the Government to assent to the second reading. He had no particular liking for the law which the hon. Member (Mr. W. Johnston) by this Bill called upon the House to repeal; nor, indeed, for any law which was of a special and exceptional nature, and which created offences of a technical character. It was on the ground of proved necessity only that the Government declined to consent to the repeal of the existing law, which was intended to remedy very grave and serious evils. Few persons, he believed, were aware of the state of things prevailing in the North of Ireland at certain periods of the year. There existed between different classes of the people what might be called an armed peace or an armed observation. On these occasions one of the two parties marched out with a great number of flags, banners, drums, and other music; they fired shots and hurrahed as they went along. It might or might not be the case that the opposite party did the same, but they often did. Sometimes, but not always, these processions passed off without bloodshed. A great deal depended upon the route taken by the procession—upon whether the procession invaded or did not invade what was considered by the other party sacred territory. That was a state of things which was scarcely credible in the age in which we lived, but it was proved. The famous battle of Dolly's Brae some years ago excited general attention, and the Government of the day, with the assent of all parties in that House, took measures to prevent, as far possible, a repetition of such affrays. Only a few weeks ago, however, a collision of the same kind occurred at Pointz Pass in the North of Ireland. It was the Roman Catholics who on the latter occasion, thought fit to make this demonstration. This act of folly provoked something worse, for when the party reached a spot where the road ran through a wood they were received by an ambuscade formed by the Orange party, and a collision ensued, leading to very serious results, and to the loss of more than one life. The circumstances remained for judicial investigation, and he only mentioned them now for the purpose of explaining to the House the sort of thing which went on upon both sides. The steps taken by the Government to prevent bloodshed on these occasions, and something like civil war upon a small scale, consisted partly of prosecutions at Common Law or under the special provisions of the Party Processions Act after the violation of the law, but chiefly of the immediate use of the constabulary and troops. What was practically a small army was sent down to the North of Ireland for the purpose of maintaining peace, and this was a duty devolving equally upon every Government. Last year, under the late Government, some twenty stipendiary magistrates were sent, in addition to those resident in the district; the police force was also largely increased, and a strong force of cavalry and infantry was likewise ordered to the North. Exactly similar steps were being taken by the Government with reference to the approaching anniversaries. It might be asked what all these police and soldiers did in Ulster. The course pursued, if only one party appeared and made a display, was to abstain from interference at the time, but to take, if possible, the names of some of the more prominent actors, with the view, at a later period of making them amenable to justice. If, however, there were two parties in the same neighbourhood, and a collision were likely to occur, the force on the spot interposed, barred the entrance to some street or road, and so cut off the hostile bodies from each other. Measures of precaution such as these would be imperative upon the executive Government, whether the Party Processions Act were in existence or not. With respect to the law itself, the enforcing of its provisions was not so simple a matter as some might be disposed to imagine. The fact could not be denied that the operation of the law had produced in the minds of large and respectable classes in the North of Ireland a sense of inequality and unfairness. The fact undoubtedly was that the Act was technical, and therefore had to be strictly construed. Demonstrations had been made in other parts of Ireland which were much resented by the Protestants of the North, yet it had been decided by the Law Officers of the Crown that they did not come within the provisions of the Party Processions Act. Of these demonstrations, some were thoroughly free from imputation—such, for instance, as the O'Connell procession some years ago, the objections to which he could never quite understand. But there were others of a more questionable kind. The M'Manus funeral produced a large amount of irritation, but the most objectionable were those called "the Fenian funerals," in honour of the three men executed at Manchester. To one or more of the earliest of these funerals no impediment whatever was offered by the Government of the day; and the declaration of the highest authority of that Government that those funerals were not against the law produced, probably, more than anything which had since occurred, a feeling of great irritation among the Protestants. That feelings such as these should exist among influential and loyal and most respectable classes was undoubtedly an evil; but there had been no intention, either on the part of those who framed the Act or of those who were called upon to administer it, to subject those classes to any inequality. In some parts of the North, again, the law had remained practically a dead letter owing to the difficulty of enforcing its provisions. It had been found difficult to identify those who had taken a part in processions. An armed force was usually present to represent the authority of the law; but, except they were called upon to do so for the preservation of peace, for that force to proceed to extremities would be productive of greater evils than those with which they interfered in order to suppress. The law had been most leniently administered; in fact, almost with excessive lenity. But the Government could not consent to a repeal of the law without having before them the results of full and careful investigation. The Government, accordingly, recognizing the undoubted evils and difficulties which he had described and the very grave differences of opinion existing, were about to cause an impartial inquiry to be instituted into the operation of the Party Processions Act at the present moment and for some years past. That inquiry would have for its object to enable the Government to decide whether that law ought to be maintained and enforced more rigorously, or whether any change ought to be made in its provisions. In view, however, of the extreme excitement prevailing this year in the North of Ireland, and with the information which they possessed, they must decline the responsibility of depriving themselves of any powers with which they were at present armed for maintaining law and order and respect for the rights and feelings of all classes. There was, as he had stated, room for doubt as to the propriety of maintaining the Party Processions Act in its present shape; but there could be no room for doubt as to the propriety of maintaining the public peace, or of preventing those disastrous consequences which might ensue from any collision in the North of Ireland. The Government, therefore, were unable, without full investigation, to consent to strike this Act out of the statute book. At the same time, he had great hopes that peace would be maintained; and nothing, certainly, should be wanting on the part of the Government to secure that object. Much, however, could be done by others; and he was bound to repeat the expression of his regret that his hon. Friend the Member for Belfast (Mr. W. Johnston) should have thought it his duty to stimulate the excitement already prevailing in Ireland by his letter published the other day. He appealed to his hon. Friend and to all gentlemen of influence in the North of Ireland, and especially to those who were in the commission of the peace, to co-operate with the Government in preventing any displays which, especially in the present excited state of feeling, might lead to disastrous and lamentable consequences in a part of Ireland which, in many respects, formed so admirable a portion of the United Kingdom.

MR. W. JOHNSTON said, that at that hour—twenty minutes to six o'clock—it would be absurd to continue the discussion.

COLONEL WILSON-PATTEN said, he wished to know in what manner it was proposed to conduct the inquiry of which the right hon. Gentleman the Chief Secretary had spoken—by a Committee of the House, or otherwise?

MR. CHICHESTER FORTESCUE: Certainly not by a Committee of the House; it will be undertaken by the Government upon their own responsibility.

COLONEL WILSON-PATTEN: By a Commission, then, I presume?

MR. CHICHESTER FORTESCUE: Probably by a Commission.

SIR JOHN GRAY appealed to the right hon. Gentleman at the head of the Government to name an early day for renewing the debate, so that the discussion might be read by the country before the 12th of July.

After short discussion, Debate *further adjourned* till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday*, 1*st July*, 1869.

MINUTES.] — *Sat First in Parliament*—The Lord Stanley of Alderley, after the death of his Father.

PUBLIC BILLS — *First Reading* — Tenants Purchase by Instalments (Ireland)* (161); Court of Session Act (1868) Amendment* (164); Greenwich Hospital* (165); Special Bails* (166); Joint Stock Companies Arrangements* (167).

*Second Reading* — Court of Common Pleas (County Palatine of Lancaster)* (79).

*Committee*—Public Parks (Ireland)* (131-163); Irish Church (109), *debate adjourned.*

### IRISH CHURCH BILL.—(No. 109.)

(*The Earl Granville.*)

COMMITTEE.

House again in Committee (according to Order).

Clause 11 (Property of Ecclesiastical Commissioners vested in Commissioners under Act).

Amendment *moved*, in line 19 to leave out ("passing of this Act") and insert ("first day of January one thousand eight hundred and seventy-two.")—(*The Earl of Bandon.*)

THE EARL OF BANDON said, his Amendment provided that the transfer of the property of the Ecclesiastical Commissioners to the Commissioners appointed under the Bill should take effect on the 1st of January, 1872, instead of from and after the passing of the Act. Everything depended on commutation; yet many of the clergy, having made provision for their lives, would be unable to commute, and the Church would thus be left with only £4,000 a year with which to keep up its churches for the future. Now, so sudden a change had never been made by Parliament without ample time being given to the parties injured to prepare for it, and in the case of the abolition of slavery the West India planters had £20,000,000 compensation, besides being allowed time to prepare for emancipation. It was only fair, then, that the laity of the Irish Church should have the interval which he proposed.

EARL GRANVILLE said, he hoped the noble Earl would not press his Amendment. It was very inconvenient to create a new Commission and to give it nothing to do for nearly two years and a-half, and it was undesirable to prolong the existence of the Ecclesiastical Commissioners when their fate had been decided, and when they could no longer act in an efficient manner. Although everything did not depend on commutation it was a great object to facilitate it, and the Church would lose by any delay in effecting it, through the number of life interests which would expire.

Motion (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 12 (Church property vested in Commissioners under Act).

THE ARCHBISHOP OF CANTERBURY proposed the substitution of 1872 for 1871.

Amendment *moved*, in line 27 to leave out ("one") and insert ("two.")—(*The Archbishop of Canterbury.*)

EARL GRANVILLE said, he understood that many of the friends of the Irish Church regarded the year's delay as decidedly injurious to its interests. The great majority of their Lordships had not probably considered the question very closely, but were influenced in the vote of Tuesday night by the fact that the Amendment was proposed on the high authority of the most rev. Primate, and was supported by the noble and learned Lord opposite (Lord Cairns), who urged that the Church was the best judge of its own interests, and was in favour of the delay. He would appeal to the right rev. Prelate (the Bishop of Peterborough) whether or not the delay would be greatly advantageous to the Church.

THE BISHOP OF PETERBOROUGH said, he entertained a strong, though possibly an erroneous, opinion that in granting this extension of time the House was conferring on the Irish Church a very questionable boon. It seemed to him very doubtful whether the loss of all the lives which would drop in between the 1st of January, 1871, and the 1st of January, 1872, would compensate any advantages which might attend a delay, which he was sure was proposed in all kindness. Moreover, the interval might be insufficient for the purposes of construction, and yet long enough to give rise to the strife and dissension which would be avoided by a shorter interval. There were, no doubt, considerations on the other side, and it would be ungracious and unbecoming were he to attempt to force upon the Church a boon which it disclaimed. If those members of the Church who had carefully considered the question preferred 1872, with its disadvantages, to 1871, he would not press his own opinion; but, considering that a considerable minority, at least, of intelligent and well-informed Churchmen took the same view as himself, he would suggest that consideration of the matter should be postponed till the Report.

Lord CAIRNS said, that if the Committee began each night with re-hearing points previously decided, the progress of the Bill would be seriously delayed. The advantage of the date 1872 was that it gave a year for the construction of the new body, and another year for it to negotiate for the commutation of life interests; so that, at the end of the second year, it would come into operation with its arrangements complete as far as possible. He was aware that there was much difference of opinion on the matter, but he believed there was a great preponderance of opinion in favour of the later date; and the Committee having adopted that view by a large majority in the Amendment moved by the most rev. Primate (the Archbishop of Canterbury) on the second clause, consistency required its insertion in other clauses. The observations which had been made would, however, be, no doubt, well considered in Ireland, and if there should be a change of opinion the question could be re-considered on the Report.

Earl GRANVILLE said, this was precisely the course which he wished to be taken.

The Bishop of St. DAVID'S said, he had voted for the delay simply on the understanding that the Irish Prelates were unanimously in favour of it, not thinking it right to oppose his judgment to theirs on such a point.

Earl GREY said, he thought there was no reason why the date in Clause 2 should rule the date in this clause.

The Archbishop of DUBLIN said, he would admit that a considerable and influential minority of the Irish clergy desired the earlier date; but he wished to state that, though there was no recognized utterance on the part of the Church, the standing Committee, appointed by the Conference which met last spring, had lately debated the question, and had decided that 1872 was the more desirable date.

Earl DE GREY and RIPON said, he wished to ask the noble and learned Lord opposite (Lord Cairns), whether the delay would not interfere with commutation?

Lord CAIRNS said, one of the Amendments provided that commutation might occur between 1871 and 1872.

Motion *agreed to;* Amendment made accordingly.

Another Amendment *moved,* after ("lives") insert ("with the like powers of leasing)"—(*Lord Cairns,*)—*agreed to.*

Lord CAIRNS said, he had to propose an addition to the clause, securing the same rights of renewal of leases as are conferred by the 22 & 23 *Vict.* c. 150, on the tenants of lands belonging to sees suppressed by the 3 & 4 *Will.* IV., c. 37. About 250,000 acres were held in Ireland on Bishops' leases. Now, with regard to lands belonging to the suppressed bishoprics, the tenants were at the same time allowed the same rights of renewal against the Ecclesiastical Commissioners which they had had against the Bishops, and this would continue under the Bill; but it gave no power of renewal in other cases. Now, there were many Bishops' leases for twenty-one years, which were renewable on the payment of a fixed rent and fine, and were regarded as leases in perpetuity. Under the Bill the power of purchasing the fee within three years was given; but minors and others whose property was tied up by settlements would not be in a position to purchase, and, therefore, unless there was power of renewal, the property would be extinguished at the expiration of the lease, and great injury would be done.

Another Amendment *moved,* at end of clause add—

"(3.) In the case of all such property subject to such and the same rights of renewal of tenants' leases thereof as by the Act twenty-third and twenty-fourth Victoria, chapter one hundred and fifty, are conferred on the tenants of lands belonging to sees suppressed by the Act third and fourth William the Fourth, chapter thirty-seven, and thereby vested in the Ecclesiastical Commissioners of Ireland."—(*Lord Cairns.*)

THE LORD CHANCELLOR said, that the customary tenure of Bishops' lands had proved very objectionable both in England and Ireland, and that facilities had consequently been given for converting the leases into leases in perpetuity. Some later sections of this Bill offered great facilities for this purpose, by enabling parties to obtain loans re-payable in the course of thirty-two years. This was decidedly preferable to the renewal of the leases; but there would be no object to empower such renewal as an alternative in the manner provided by the 3 & 4 *Will.* IV., c. 37, but not in that prescribed by the 22 & 23 *Vict.*, c. 150. The former Act dealt with leasing powers in respect of lands vested in the Ecclesiastical Commissioners which had belonged to suppressed sees, but Bishops having had the right to grant leases at very small fines, much below the actual value, and in some cases to their families, it contained numerous provisions enabling Commissioners to ascertain whether the average of fines was a proper average, and if it was not, to assess the fine, the lessee being at liberty to resort to arbitration. The latter Act, passed after an experience of thirty years, during which time the Commissioners had been able to levy the proper fines, enacted that the average of a certain uumber of years, preceding 1860, should be taken. Now, in the present case, the Committee were dealing with sees which were in the same condition as that of the suppressed sees in 1833, for there were leases in which no fine had been taken, and others in which it was very small. To give those lessees the benefit of the 22 & 23 *Vict.* would obviously involve a considerable loss, which he was sure the noble and learned Lord would not desire more than himself; and justice would be done by the Commissioners under the Act of William IV.

LORD CAIRNS said, he believed that the present Act, while it repealed the provisions of the former statute, contained clauses which would meet the case put by his noble and learned Friend. He would not, however, ask for the postponement of the clause, but would bring up a clause on the Report.

Amendment (by leave of the Committee) *withdrawn*, and clause, as amended, *agreed to.*

Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords).

The DUKE OF SOMERSET said, he wished to ask the noble Earl the Secretary for the Colonies whether the Government, having adopted the principle of religious equality, would not give the disestablished Church all the liberty of Dissent? As the Irish Church was no longer to be represented in this House, its clergy ought to be as eligible as Dissenters for seats in the House of Commons. Until 1801, clergymen occasionally sat in that House; but a clergyman having a seat at that time, and having voted against the Ministry, a Bill was brought, disqualifying them from sitting in future. A Dissenting minister, who objected to the Church, denounced its doctrine, and discarded its discipline, might sit in the House of Commons; and, indeed, he (the Duke of Somerset) had sat beside such Members. He wished to know whether the Government would bring up a clause conferring the same right on the Irish clergy as was enjoyed by their Dissenting brethren?

EARL GRANVILLE said, the suggestion of the noble Duke raised a large question. He presumed that if the noble Duke were to propose a clause enabling the Irish clergy to sit in the House of Commons, he would include in it Roman Catholic priests, who were at present precluded from sitting in that House.

Amendment *moved*, in line 13, to leave out ("be dissolved,") and insert ("subject to the provisions of this Act, cease to exist in law.")—(*Lord Westbury.*)

THE LORD CHANCELLOR said, he was almost ashamed to occupy a moment on such a matter, but he contended that "dissolved" was the proper term to be applied to corporations, whether sole or aggregate, whereas the phrase "cease to exist in law" was unknown to lawyers. Of course a person who was a corporation sole would be dissolved only in his corporate capacity.

Amendment (by leave of the Committee) *withdrawn.*

THE EARL OF CLANCARTY: My Lords, I beg to move the Amendment of this clause of which I have given notice, and I trust my Amendment will find acceptance with your Lordships. It is to remedy what, as the clause now stands, would be the infliction of a needless wrong upon certain distinguished Members of this House. By the clause, now before you, on and after the 1st of January, 1871

"No Archbishop or Bishop of the said Church (the Irish Church) shall be summoned or be qualified to sit in the House of Lords."

This would operate to deprive the existing Bishops of Ireland of rights to which they became entitled for their lives, from the periods at which they were respectively appointed by the Crown—a violation, therefore, of vested rights, which the authors of this Bill promised in all cases to respect. It would be the expulsion from this assembly of individuals eminent in learning and piety, with whom we have been wont to take counsel, and whose assistance and share in our deliberations has ever been such as to entitle them to the highest respect and consideration. And it would be to sanction an interference with the privileges of this House by the House of Commons, that your Lordships ought not to permit. What I, therefore, ask your Lordships to do is to omit from the middle of the clause the words to which I have referred, and to add at the end of it the following words:—

"Provided also that every present Archbishop and Bishop of the said Church shall be deemed qualified, and shall continue to enjoy during his life the privilege of being summoned to sit in the House of Lords."

I feel, my Lords, much fortified in making this Motion, by the fact that the day after I had handed in my Notice my noble Friend in the Chair gave notice of a similar Amendment of this clause; and as I am not tenacious of the precise terms in which my Amendment is drawn up, I shall have no objection, if in point of form the words of his Amendment should be preferred, to let the clause be so amended. All I desire is, that an act of injustice and of discourtesy to the Irish Bishops, and of injury to the House itself, should be avoided, and that during the term of their lives their seats in this House should be secured to them in the same manner as they are at present enjoyed. There is something, no doubt, exceptional in the proposal of such legislation, for they now sit as representatives of the Irish branch of the Established Church, which is to cease to exist after 1870; but if the reservation to them of their rights after that period is inconsistent with the original object of their introduction to this House, and, therefore, exceptional, so most certainly is the Bill itself, for never was there a more exceptional and unprecedented piece of legislation. I, therefore, beg to move the Amendment.

Amendment *moved*, in line 13, leave out from ("dissolved") to ("such") in line 15, and to add to the clause the following words:—

("Provided also, that every present archbishop and bishop of the said church shall be deemed qualified and shall continue to enjoy during his life the privilege of being summoned to sit in the House of Lords.")—(*The Earl of Clancarty.*)

**Earl GRANVILLE**: There are, my Lords, two Amendments on the Paper with reference to this point—one by the noble Earl and another by the noble Lord in the Chair, who has also raised the question as to whether it was not a trangression of the privileges of this House to introduce a clause into the Bill in the House of Commons affecting the right of sitting in your Lordships' House. I am not aware that a question of privilege is really involved; if the Bill merely dealt with this particular matter, it would have been discourteous in Her Majesty's Government to introduce it to the other House of Parliament first; but as the subject came up as a necessary part of a large and comprehensive Bill, it was compulsory on the Government to decide upon it one way or the other, and I do not see how we could refrain from putting that decision in the Bill in some shape. The Government had anxiously considered the matter, and much desired to continue the representation of the Irish Episcopal Bench in your Lordships' House, and I can assure the right rev. Bench that there is not the slightest intention of any personal discourtesy in the matter. Some mention has been made of vested interests, but the right of the Irish Bench to seats in this House could not be compensated in the way vested rights were ordinarily compensated—that is, by means of money. The Government, in considering the measure, concluded that disestablishment should be complete in its character, and that no little points should remain for an indefinite time untouched; and it was felt that the representatives of the Irish Episcopal Bench sitting here as Spiritual Peers after the Church to which they belonged had been disestablished would be an anomaly to which it was extremely doubtful whether the right rev. Prelates themselves would wish to be a party. The Government has had this opinion endorsed by one of the strongest friends of the Church (Mr. Gathorne Hardy), who, in the Lower House, protested against such an Amendment in the clause under the peculiar circumstances of the case, and he said it would be absolutely absurd to continue the present arrangement, considering the Bishops sat by rotation. Within the last few days, too, I have received a letter from a right rev. Member of the Irish Bench, who himself protests against the Amendment as an anomaly to which your Lordships should not assent. At the same time, I am extremely anxious, before I state what line I shall take with regard to the privilege, to hear what is the general feeling of your Lordships' House, and also what is the opinion of those members of the Episcopal Bench with whom I have had no communication on the subject.

THE MARQUESS OF SALISBURY: My Lords, the noble Earl (Earl Granville) taxes the modesty of right rev. Prelates very severely by asking them to say whether they think themselves worthy of a seat in this House. I must say I incline to the Amendment of my noble Friend (the Earl of Clancarty), because the whole principle on which you are proceeding is to deal with the institution without any injury to individuals. It is impossible to say it is not an injury to take away a seat in this House, and I am quite sure the noble Earl (Earl Granville) would be the last to say that a seat in this House is not a privilege worthy of being desired. If the seat is worthy of being desired, you have no right in destroying an institution to make an exception to your general principles when dealing with the present rights of individuals to seats in this House. There is besides this a special reason in favour of the Amendment. During this process of disestablishment and disendowment there will be several transition stages, and it is possible many points of division will arise; at least, before the Church is thoroughly severed from the State some intervening controversy may arise in which she is concerned, and it appears to me only fair that as those who have disestablished her continue to have seats in this House she also should have some representation here to watch her interests, and see that justice is done her. The argument based upon the plan of rotation is scarcely worth consideration; it is a mere mechanical difficulty, the remedy to which is obvious. For the reasons I have stated, I shall vote for the Amendment.

THE EARL OF CLANCARTY said, there could be no difficulty in arranging as to the number of Bishops who should sit as deaths occurred.

EARL DE GREY AND RIPON: My Lords, it is quite clear that as the Prelates of the Irish Church die, or are appointed to sees they do not now hold, the representation would be entirely changed by the Amendment, and that you will have the same Bishops sitting from year to year. With respect to the question of privilege, I should like to ask whether it is not the case that the Church Temporalities Bill, which reduced the number of Bishops in your Lordships' House by one, was introduced into the House of Commons? If so—and if I am wrong the noble Earl opposite can correct me—we have a precedent for introducing this matter into the House of Commons first.

THE EARL OF DERBY: The noble Earl has appealed to me on a point which I am able to speak on with some confidence, although it is now many years since. I do not apprehend that the Act of Parliament to which he has referred was any violation in the slightest degree of the terms of the Union, because by the terms of the Union it was provided that one Archbishop and three Bishops should have seats in Parliament. The alteration made was that instead of each Archbishop sitting once in four years, he should sit once in two years; and instead of each Bishop sitting once in six years, he should sit once in three years; consequently, the representative power of the Irish Church was not in the least degree altered by the Church Temporalities Act; the same number of Bishops sit year by year, but the individual representatives become entitled to their seats in more rapid succession. As I am speaking, I may say that the Amendment is entirely consistent with the views the Government have expressed. From first to last the Government have said they intended gradually to allow the representation of the Church to drop off by mortality, but to preserve to each individual member of the Church his present rights; and the noble Earl by his Amendment desires to preserve to the present Archbishops and Bishops their rights just as the clergy of the Irish church have theirs preserved to them. I am not disposed to insist strongly on the point; but, at the same time, I think the proposition is consistent with the course of the Government. On the question of privilege I may observe that I have made a reference to *Blackstone*, and find that he distinctly lays down that a Bill having reference to the privileges of either House of Parliament, or any of its Members, should be introduced in the House to which it refers, and not in the other House. The Church Temporalities Act did not interfere with the privileges of the House, but this Bill does; and it is quite consistent with the principle of the Bill that during the lives of the existing Prelates they should not be deprived of the privileges they possess.

LORD HOUGHTON said, it seemed to him to be undeniable that the exclusion of Prelates from the House of Lords could not be regarded as otherwise than a personal injury to themselves, and such an injury as the Government engaged not to inflict; but he saw practical difficulties in dealing with the matter according to either of the Amendments on the Paper. He could not help thinking, however, that an arrangement might be made by which the claims of the Church might be satisfied. This would be accomplished by according to the two Archbishops of the Church of Ireland seats in the House during the term of their natural lives. In this way proper representation might be secured to the Irish Church without in any way contravening the principle of the Bill.

THE EARL OF KIMBERLEY said, that the Amendment clearly preserved to the existing Bishops the same rotation as that which now existed, and whenever a Bishop died his successor could not be put down on the rota, so that there would be an intermittent light similar to that which was given by lighthouses. Considering that the duty of representing the Irish Church could no longer be performed, he should have thought that it would be more convenient and more conducive to the interests of the Irish Church that the arrangement proposed by the Bill should be accepted, and that the Bishops should not be called away from their dioceses.

LORD WESTBURY said, he saw no possibility of diminishing the evil inflicted by the Bill by the acceptance of the present proposition, which was, in fact, incapable of being worked. It took away the ecclesiastical and legal status of the Bishops of the Irish Church, in respect of which alone they sat in the House; and it would be an anomaly that a Bishop should continue to sit in the House after he lost the character by which he was entitled to sit there. The moment we disestablished the Bishops that moment their legal status was estreated and rotation was gone. They had no personal right to sit in the House, but only a right founded upon a certain rotation; aud it would be an anomaly, if it were possible, to introduce into the House a number of Peers deprived by law of their temporalities. It was impossible to bring them into the House when they had lost in every respect the character by virtue of which they were entitled to sit there. Much, therefore, as he desired to lessen the great injustice of this Bill, he thought it could not be modified or mitigated by the introduction of anomalies which could not be worked. It would require a very carefully worded enactment to give the Archbishops and Bishops of the disestablished Church the right of sitting in the House; and, on the whole, he thought they had better submit to the injustice and the wrong done by the Bill than receive a perfectly impracticable substitute for their lost privileges.

LORD CAIRNS said, he did not think the noble and learned Lord (Lord Westbury) usually gave the advice that persons ought to submit to an injustice because of the difficulty of framing a clause to remedy it. In his opinion there would be no difficulty in framing a clause to meet the requirements of the case. The question really seemed to be this—Was it or was it not a personal privilege of the present Prelates of the Church of Ireland to have a seat in the House according to the order of rotation as laid down by the present law? Could any one doubt that it was a privilege? The principle upon which the Bill proceeded was to preserve as far as it could possibly be done all rights and privileges to those who at present enjoyed them. At present the clergyman of the parish had certain rights, and occupied a certain status; but although his Churchwas disestablished and his parish destroyed, his rights and privileges were preserved to him during his life. Just in the same way the Bishops of the Irish Church had rights and privileges, and they had the right of coming to this House and sitting here in a certain rotation. He could quite understand that when the Bill passed many Members of the right rev. Bench might feel very little anxiety to take part in their Lordships' deliberations, and might feel their position seriously altered by this piece of legislation; but certainly, unless they were told by the members of the right rev. Bench that they desired these privileges to be taken away, their Lordships ought not to be instrumental in taking them away, in consequence of the difficulty of framing a clause to preserve them. It was not fair to put it affirmatively to their Lordships to say whether they wished these privileges to be continued; and unless the right rev. Prelates repudiated these privileges, and said they did not desire to have them, their Lordships were bound, if they legislated consistently, to maintain them. What was the difficulty of the case? The object was to provide that Bishops should sit in the House according to a certain rotation. The result under the Bill would be that when a see became vacant there would be a vacancy in the rotation, and the Amendment of the noble Lord in the Chair seemed to him to meet the case by providing that the present Archbishops and Bishops should continue to sit in the House in the same order of rotation, and in the same place and precedence as they would have done if this Bill had not been passed.

THE LORD CHANCELLOR said, he wished to dissipate any fear that this Bill was an interference with the privileges of their Lordships' House by the House of Commons. He thought, on reflection, it would be found, notwithstanding the dictum of *Blackstone,* that there had been previous interferences of the same character—not interferences *per se,* but simply as consequences of some act necessary to be done. One of the strongest instances of that kind was the Bill of Attainder against Bishop Atterbury, which deprived him not only of his bishopric, but of his peerage, and sentenced him to banishment. That originated in the House of Commons; and, though the Bishop earnestly protested against it, their Lordships passed it. There could not be a stronger case of interference with the privileges of their Lordships' House than that; but in this case the interference was merely a consequence of the scheme in the Bill. He could not, however, admit that there was any difficulty in framing a clause to meet the object which many of their Lordships had in view, and preserve intact the personal privileges possessed by right rev. Prelates before the passing of the Bill. He had, however, well considered this point before, and had thought that it would be a somewhat unreasonable step to continue to the right rev. Prelates their privileges after the great object for which they were conferred had entirely ceased. The right rev. Prelates were Members of their Lordships' House not as individuals, but in respect of their connection with the Church of England and of Ireland as by law established. They were Members of that House by virtue of their archbishoprics and bishoprics, and for the purpose of representing interests which it was proposed by this Bill should utterly cease. Speaking from a personal point of view, he confessed that he should have no desire to hold any position if the reasons for which he was appointed were removed, and when there was no longer any opportunity of performing the duties on account of which the position was given to him.

LORD DENMAN said, he hoped that the House would, in dealing with this part of the question, be guided by a sense of justice. He thought the Bishops who had sat in the House should themselves be free to choose whether they would retain or resign that privilege. If that were not the case it would be the duty of those who objected to every particle of this Bill—and many of its supporters had urged very strong objections against its principle—to think whether they should exercise what was their undoubted right, and reject it on the third reading. The noble Lord read extracts from the speech of Mr. Gladstone in 1835, in which the right hon. Gentleman, in opposing the Appropriation Clause, declared twice in the same speech, that—

"He hoped that he should never live to see the day when such a system should be adopted in this country, for the consequences to public men and to the character of the country would be lamentable beyond description. . . . . He hoped that he should never live to see the day when any principle leading to such a result would be adopted in that country."—[1 *Hansard*, xxvii. 513, 514.]

THE ARCHBISHOP OF CANTERBURY said, he was sure that if his right rev. Brethren felt that no advantage could accrue to the Church from their continuing Members of that House they would at once surrender their claim. No doubt their chief duties would have to be performed in Ireland; but still he could not think that the question of injustice to individuals had been entirely disposed of in the remarks of the noble and learned Lord on the Woolsack. In spite of what would be done by the Bill there were still important religious interests in which it certainly was desirable that they should be able to express their opinions in Parliament. He thought, too, that after inducements had been held out to certain individuals to accept certain offices there would be an injustice in depriving those individuals of any portion of their rank and privileges. He trusted, therefore, that their Lordships would not be deterred from doing what was right in this matter by the silence of his right rev. Brethren, especially as there was no difficulty in doing what everyone seemed to think it would be but just to do.

EARL GRANVILLE said, the discussion had not convinced him that there was anything unreasonable in the conduct of the Government so far as related to the proposition in the clause. But he could not but acknowledge that the majority of their Lordships appeared to be in favour of the adoption of an Amendment by which the existing Irish Prelates would be left in possession of the privilege of seats in that House. As no practical object could be attained by giving their Lordships the trouble of dividing on a question which had something of a personal character, he would accept the Amendment proposed.

Words *added:* Amendment, as amended, *agreed to.*

LORD REDESDALE *moved* an Amendment, at the end of clause, to add—

("And every present archbishop and bishop of the said church shall be summoned to and sit in the House of Lords in the same manner and rotation and at such times as he would have been summoned and would have sat if this Act had not passed.")

Amendment *agreed to.*

LORD COLCHESTER, in proposing the Amendment of which he had given notice, said, he hoped that the House would not render the Archbishops and Bishops of the Irish Church after its disestablishment liable to penalties, from which the Bishops of the Scotch Episcopal Church were especially exempted. He believed it would be better their Lordships should at once make an addition to the Bill rather than wait for a measure respecting the Ecclesiastical Titles Act. It would be a most vexatious thing if, immediately after the Establishment was abolished, the clergy of the Church should be subjected to pains and penalties in carrying out the new organization. It might possibly be objected that such a provision as he proposed would create an undue ascendancy over the Roman Catholic Church; but this objection had never yet been urged in the case of Scotland, where what he proposed had been adopted. It must be remembered that it was because of their own policy the Roman Catholic hierarchy were in the position they now occupied. The Roman Catholics would not surrender their independence of the State. But the disestablishment of the Protestant Episcopal Church of Ireland would be the act of the State and not of the Bishops of that Church.

Amendment *moved,* at end of clause, to add—

"And the persons who from time to time shall exercise and discharge archiepiscopal or episcopal functions in the said Church shall be permitted to assume and use titles in respect of the districts or places within which they exercise such functions without incurring any penalty by law attaching to persons assuming ecclesiastical titles in respect of any place or district without being by law thereunto authorized."—(*The Lord Colchester*).

THE EARL OF GRANARD said, he could not conceive a greater infraction of religious equality than would be involved in the introduction of words specially exempting the Bishops of the disestablished Church from penalties to which the Roman Catholic Bishops were liable. He would not object if the Bishops of both Churches were exempted. It would be easy to introduce words which would have the effect of including the Roman Catholic Prelates of Ireland in the exemption, and he believed that such general exemption would be received as a boon by the Roman Catholics.

EARL GRANVILLE: My Lords, I hope the noble Earl will not press his Amendment. I think it will be necessary in consequence of the disestablishment of the Irish Church, to amend the law relating to ecclesiastical titles; but I think such Amendment ought not to be made by the introduction of words into this Bill. This Bill does maintain all the dignity of the ecclesiastics now belonging to the Irish Church; but it would not be right to introduce such words as those proposed by the noble Lord without reference to other dignitaries. The Ecclesiastical Titles Act was passed under peculiar circumstances and at a time of great excitement; but I do not think it would be a good precedent to follow, when we are passing a Bill, the object of which is to bring about complete religious equality.

THE ARCHBISHOP OF CANTERBURY: My Lords, your Lordships will recollect that a Select Committee was appointed last year to consider the Ecclesiastical Titles Act. At that time there was a strong desire to remove the disabilities under which the Roman Catholic Prelates labour, but it was found that there were great difficulties in the way of doing so. You are now said to be levelling down; but I do not think that you will facilitate the removal of the difficulties to which I have referred by allowing the Bishops of the Protestant Church to drop into a position which will subject them to penalties which there is a desire to remove in the case of the Roman Catholic Bishops.

LORD COLCHESTER said, he would refer their Lordships to the evidence given before the Committee on the Ecclesiastical Titles Act by a noble and learned Lord now a Member of the Cabinet. He must press his Amendment.

LORD CAIRNS: I agree, my Lords, with every word that has fallen from my noble Friend (Lord Colchester) as to the absolute necessity of securing the Prelates of the Protestant Church in Ireland against the penalties imposed by the Ecclesiastical Titles Act. I think there will be no difference of opinion on that point. I also think that my noble Friend has done good service in calling attention to the subject; but, as I understand the expressions of the noble Earl opposite (Earl Granville), the view of Her Majesty's Government is that before the time arrives when the Prelates of the Protestant Church in Ireland will be appointed in a different manner from that in which they now are, it will be the duty of the Government to introduce a measure to free them from the pains and penalties of the Ecclesiastical Titles Act. The new constitution will not come into operation till 1872; but even were it to come into operation on the 1st of January 1871, there would be ample opportunity to introduce such a Bill in sufficient time. I do not think that any expressions used by my noble and learned Friend last year, when legislative steps had not been taken to disestablish the Irish Church, ought now, under such altered circumstances, to be held binding on him. I would, therefore, suggest to my noble Friend who has moved the Amendment whether, if I have rightly understood the noble Earl opposite, it would not be better and more free from danger to leave this question to be dealt with by the Government next Session.

LORD DENMAN said, he thought it was more than enough to disestablish the Church, and he did not see why it should for a moment possibly be exposed to pains and penalties as a consequence of the disestablishment.

On Question? Resolved in the *Negative.*

Clause, as amended, *agreed to.*

[*Compensation to Persons deprived of Income.*]

Clause 14 (Compensation to ecclesiastical persons other than curates).

THE BISHOP OF PETERBOROUGH: My Lords, before I submit to your Lordships the Amendment which stands on the Paper in my name, I wish to direct your attention to what appears to me to be a slight ambiguity in the clause as it stands. The clause runs thus—

> "The Commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice, or cathedral preferment, in or connected with the said Church, will be deprived by virtue of this Act, after deducting all rates and taxes except income or property tax, salaries of permanent curates employed, as hereinafter mentioned,"

and so on. Now, I believe I am correct

in stating that the exception is meant to be confined to the income and property tax, and what I propose to do is to add another exception to the taxes which are to be deducted in calculating the annuities to be paid to the holders of preferments. The tax which I propose should not be deducted, before you calculate the net income of the holder of any preferment, is a certain tax which is now paid to the Ecclesiastical Commissioners in Ireland, and which is generally known as a tax on clerical incomes. I hope your Lordships will pardon me if, in justice to my clients, I find it necessary to enter somewhat into detail in dealing with this matter. I wish you to understand clearly what is the origin of this tax which is paid by the clergy to the Ecclesiastical Commissioners, and I will, in the first place, explain the purposes to which it is applied. Under the Church Temporalities Act, which was passed in the reign of William IV., certain charges, which had not been previously provided for at all, and which would be met by what in England is called Church rates and in Ireland vestry cess, were ordered to be paid by the Commissioners out of certain revenues assigned for that object. This revenue was partly derived from suppressed sees and partly from a tax imposed on the incomes of the beneficed clergy. It was a tax rising very rapidly from £2 10*s*. per cent, on incomes of £300 a year, till it reaches 15 per cent. It was to be applied by the Commissioners, wherever they got a sufficient surplus, to the augmentation of small benefices; but, before they got that surplus—which by the way, they hardly got at all — to the building and repairing of churches, to providing the proper requisites for Divine service, to the lighting and keeping of churches, to the cost of fuel, and even to the washing of the surplices of the clergy. Among the many anomalies of this anomalous Irish Church, the greatest, of all, and I have as yet seen no notice taken of it, was that the requisites for Divine service were supplied mainly out of the incomes of the poor clergy of that Church. I ask your Lordships particularly to bear in mind this fact, that when the Act taxing the clergy was passed the reason given for taking that step was that under the law of the Church as it then existed there was a liability attached to them for the repair of the chancel. To give you an instance of the extreme severity of the incidence of the tax I may state that on incomes of £400 a year in Ireland a clergyman pays a tax to the Ecclesiastical Commissioners of £20 a year, and on an income of £650 a year—which, in passing, I may mention was the income which I had the privilege of enjoying as a bloated and pampered dignitary of the Irish Church for a period of three years—£45. You will at once see therefore that the tax is a heavy one; and its total amount is £19,000 a year. But for this heavy charge the clergy get a very valuable return. They get their churches repaired and lighted, and the requisites for the performance of Divine service provided, many of which things they would otherwise have had to pay for out of their own pockets, and most of which they will have to pay for if this Bill passes in its present shape. The amount given by the Commissioners for the repair of the churches and the other purposes I have mentioned is £36,000 a year, as against £19,000 furnished by the clergy; so that for every 1*s*. which they pay they get 2*s*. in value received for the support of their churches. Indeed, it is a mistake to call this a tax at all. It is an annual payment for value, and very considerable value, obtained, and the Ecclesiastical Commissioners may be described as an agency for the supply of the requisites for Divine service out of what they derived from the incomes of the beneficed clergy. Now, this clause enacts that the Ecclesiastical Commission shall cease; that they shall no longer contribute to the repair of the churches or to the purposes to which I have referred, while it, at the same time, provides that this tax shall be deducted from the incomes of the clergy. This amounts to nothing more than that the British Government comes in and impounds the money which the clergy have been in the habit of paying for certain important value received; for the Bill before us proposes, in effect, that they shall not continue to receive that value, while they are to pay the tax for the rest of their natural lives. Is that, I would ask, just or equitable dealing? I am in the habit, and I trust I may, without presumption, assume that your Lordships are in the habit, of paying your bills yearly if not half-yearly. Well, what would any of your Lordships think if it were laid down by Act of Parliament that a cheque which he was about to send to his wine merchant should be impounded before it reached its destination, that the merchant should be prevented under a heavy penalty from supplying any more wine, and that the British Government and the magnanimous British nation should for the future receive the yearly or half-yearly payments made? The Bill in this respect does not seem even to affect to be generous, and there are, in my opinion, only two ways of meeting the great injustice which is about to be done in this matter. One is to remit absolutely to the clergy these payments to the Church Commission, for which they will no longer obtain the value which they have hitherto received. The objection made to this proposal is, that it would benefit the richer and not the poorer clergy; that is, no doubt, to a certain extent, an objection to it, though I do not admit that you have any more right to do a wrong to a rich than to a poor man. I admit, however, that the objection is a plausible one, in the case of a measure which does not affect to be generous. But there is another mode of meeting the difficulty. It is that the clergy should still continue to pay the tax, but that when paid it should be devoted to the purposes to which it was previously applied; that is to say, that, instead of paying the tax to the British nation—which I cannot suppose is in want of the money—the clergy should pay it to the new Church Body, and that they should expend it on the repair of churches, and the providing the necessary requisites for Divine service, as has hitherto been the case. I should have moved an Amendment to this effect myself, but that it may seem ungracious in an English Prelate to meddle with the application of a charge which will fall on his Irish brethren; but I shall be happy to leave it in the hands of my right rev. Friend (the Bishop of Derry) who disclaims, as I anticipated and as I can assure your Lordships the great majority of the Irish clergy disclaim, any wish to profit by the remission of the tax. It is their desire that the money should be appropriated in the way I have mentioned. The Amendment may be incorporated with that which stands in my right rev. Friend's name, and it may be brought forward on the Report if the forms of the House preclude its being moved now. I think I have shown your Lordships that there is a just and equitable claim for the remission of the tax. It may, however, be urged, as an objection to the course which I have suggested, that the whole income of the Ecclesiastical Commissioners does not go to the repair of the churches, but that a great portion of it is devoted to the augmentation of small benefices. Now, I looked carefully into the accounts of the Ecclesiastical Commissioners to ascertain the total amount expended by them during the last year on small benefices, and I find it was 5,900 and odd pounds. But the greater part of that amount did not come out of this tax, but out of the private holders' fund, the sum paid by the Ecclesiastical Commissioners out of this tax being under £2,000. Of the amount contributed by the clergy 18*s*. 6*d*. in the pound is for the requirements of the Church, and only the balance of 1*s*. 6*d*. for the augmentation of small benefices. I think I have made out something like a just and equitable claim, not for putting the tax back into the pockets of the clergy, but for leaving them exactly in the position in which they were before, by continuing the tax and devoting its proceeds to the same purposes to which they are now applied. This arrangement, if adopted, will enable the poor Irish Church to tide over what will be her time of greatest difficulty, when every effort will be taxed to keep in repair the churches of the poorer Protestant congregations.

Amendment *moved*, in line 25, after ("tax") to insert ("and the tax on clerical incomes now payable to the Ecclesiastical Commissioners for Ireland.")—(*The Bishop of Peterborough.*)

EARL GRANVILLE: I think, my Lords, it would have been well if the right rev. Prelate, in moving his Amendment, had alluded, not merely to Church cess, but also to the Board of First Fruits; but of this he made no mention whatever. The whole of the right rev. Prelate's speech goes not really to the compensation for vested interests, which is the principle of the Bill, but to the endowment in a new form of the disestablished Church. Moreover, the proposal would be only of partial application; for this tax, while rising rapidly upon incomes above £300 a year, does not apply at all to incomes below that amount.

THE BISHOP OF DERRY said, that his object in the Amendment which he intended to propose was that, in the exceptional and difficult circumstances in which the Church was to be placed, the deduction to which the Bishops and clergy had submitted for the general purposes of the Church should continue to be applied to those purposes.

THE EARL OF KIMBERLEY contended that first fruits belonged originally to the See of Rome, and at the Reformation became the property of the Crown, which, as time went on, allowed them to be applied to certain ecclesiastical purposes. But when the Church Temporalities Act was passed, a tax, varying from 2½ to 15 per cent, was substituted for these first fruits, which tax never was the property of the Church of Ireland at any period of her history. To give over this tax in the manner proposed would be to give to the clergy what they had never possessed. But the proposition of the right rev. Prelate rested upon the supposition that these first fruits and this tax represented Church property.

THE BISHOP OF PETERBOROUGH said, the purposes to which this tax were applied were purposes to which vestry cess had been applied; but he did not say that the tax itself was in lieu of vestry cess.

THE EARL OF KIMBERLEY said, he was perfectly aware of the obligations resting upon the Ecclesiastical Commissioners; but his argument was that first fruits, which the tax represented, did not belong to the Church at all. To hand over this tax as a sustentation fund for the repair of churches in Ireland, however desirable an arrangement in the interests of the Church, was wholly inconsistent with the principles of the Bill.

THE EARL OF DERBY: Having been personally much concerned in introducing the Bill which has been referred to, I may be permitted to say what the state of things was at that time, as it may not be in some of your Lordships' recollection. Previous to 1833, the Roman Catholics, although they had the right of voting for everything else, had no right of voting for the imposition of church cess; but when the vestry met together to vote a sum to be applied to the sustentation of the Church, the Roman Catholics were compelled to withdraw, and the Protestants imposed that tax upon Roman Catholics as well as upon themselves. If it had been proposed at that time to allow Roman Catholics to vote in the imposition of Church cess, the effect, I need hardly tell your Lordships, would have been entirely to abolish that tax without compensation. I must also add that the Protestants were extremely unwilling to exercise their legal right of imposing this tax upon Roman Catholics, and the consequence was that in many cases the necessary sums were not collected, and churches in consequence fell into disrepair. The Government of that day, in dealing with the question, provided that the Church cess, amounting to £60,000, should be abolished, and that this amount should be a charge on the Ecclesiastical Commissioners, who were to receive in lieu of it a tax upon benefices above a certain value. As some compensation for the tax so imposed, which bore very heavily upon the clergy, they were thenceforth to be relieved from payment of first fruits and tenths. And accordingly the arrangement, while it released the poorer Roman Catholics from a very great grievance, at the same time made provision by this tax for the perpetual sustentation of existing churches. I must say the right rev. Prelate (the Bishop of Peterborough) has proved, in what seems to me a most conclusive manner, that if you continue to impose this tax upon the clergy, you ought in fairness to provide that the tax shall continue to be devoted to the purposes for which it is at present collected. The Motion does not propose to relieve the clergy from any tax, but simply that if the tax continues to be levied, the objects for which it is levied shall be observed, at least during the lives of the present occupants.

THE DUKE OF ARGYLL: As this is the first of a long series of Amendments which go, in my opinion, to the root of the whole principle of the Bill, and the main object of which is to secure to the Church a very large portion—I believe my noble Friend (Earl Granville) was correct in calculating upwards of £5,000,000—of the surplus, I am desirous of offering to the House a few observations with regard to this principle, and I am the more anxious to do so as I think it bears close relation to an observation made by the noble Marquess (the Marquess of Salisbury) the other evening. As to the Amendment now in issue, we have heard from the right rev. Prelate that it is £19,000 a year, and that its capitalized value would be £200,000. I believe the noble Marquess was wrong in saying that these were alternative Amendments, and that therefore my noble Friend was in error in adding them together. I have no means of knowing whether any of the Amendments will be withdrawn, and I have no reason to believe they are alternative. On the contrary, I believe they are cumulative; and we are now dealing with the first of a series of Amendments, the effect of which will be to secure for the Irish Church, out of the surplus, at least between £4,000,000 and £5,000,000. Now, the noble Marquess the other evening accused us of not appreciating what was the true meaning of the Church, and said we appeared to think that the Church meant the clergy. Now, the principle of the Bill is that the Church — meaning thereby both the clergy and the laity—shall receive, I will not say nothing, but little more than life interests in the incomes which the clergy now enjoy. That is the main principle of the Bill—that the Church as a body should receive no more than the life interests of the present holders of office, and I need hardly say that it is the clergy alone who hold those life interests. Now, I venture to assert that the clergy do not enjoy a life interest in this tax; it is a deduction from their incomes which the clergy do not enjoy. No doubt the argument of the right rev. Prelate on this point showed great ingenuity; and he asked that the tax should be applied, not to the advantage of the clergy alone, but of the Church as a whole, meaning both clergy and laity. But, in the same sense, the laity get the benefit of the whole endowments of the Church, yet the Government never admitted that the laity had a right of property in those endowments. On the contrary, the Government always maintained that, saving life interests, the property of the Church belongs to the State. That is the very root of the Bill, but you propose to take from the available surplus this tax, which is a public tax, and represents the old First Fruits that went to the Crown, and you are giving it as an endowment to the Church as a body. Well, I contend that precisely the same course might be taken with every 1*s*. of the tithes, and with every 1*s* of that which you now call the property of the Established Church. It is all very well for the noble Marquess to accuse us of confounding the two meanings of the Church. We are all apt to use the word in a very ambiguous sense. But it has been the friends of the Church who have been guilty of that confusion. In the course of these discussions they have been instructed upon this point; but, up to the present Session, their main argument was that the Established Church is identically the same as that which existed before the Reformation. The doctrine was maintained that there was the same succession of the Episcopate and clergy, although the people did not adhere to it. That was the argument used last Session, and during this Session one of the most distinguished Prelates of the English Church, in an able pamphlet, which he calls *A Speech Unspoken*, lays down the doctrine that the present Church of Ireland, being identically the same as that which existed before the Reformation, is entitled to the whole property of the Church. This Bill is based upon a denial of that doctrine. We say that, beyond the life interests of the clergy, the property of the Church belongs to the State, and is at the disposal of the State. This is the cardinal principle, not only of the Bill, but of those who are in favour of concurrent endowment. If you lay down the doctrine that the funds of the Church are the property of the laity, you have no right to touch 1*s*. of that property in order to give it to any other sects or Churches. [*Cheers.*] My Lords, I rerejoice in that cheer, because it shows that at least some noble Lords opposite are standing to their colours; but I claim the support of the doctrine which I have enunciated from every Member of the Liberal party and from the noble Lords on the cross-Benches who have spoken in favour of concurrent endowment. Whether the surplus funds of the Church are to be given for the benefit of the poor, and the alleviation of unavoidable suffering, or distributed indiscriminately among all the sections in Ireland, you have no right to take either view if you adopt the doctrine that to the laity of the Church belongs in right of property the property of the Church. In claiming, therefore, a public tax which has never belonged to the clergy, on the ground that it will go for the benefit of the laity, you lay down a principle which goes to the very root of the Bill, and which would entitle the right rev. Prelate to devote every 1*s*. of tithes in the same way. The right rev. Prelate told us that he once held a parochial living, and that from his income a certain sum of money was deducted in respect of this tax. But let me ask him whether, when he accepted the presentation to the living, he did not know that it was subject to such a deduction? If so, what right has he to complain that the deduction was made, or to ask that the tax should now be applied for the benefit either of the clergy or the whole Church? I say that, on the same principle he would have a right to claim every 1*s*. of the funds belonging to the Church. I will not enter further into the question raised by these Amendments. I only wish to point out that it is impossible for the Government to give their assent to Amendments for taking out of the surplus large funds for the re-endowment—because it comes to that—of the Irish Church. Such a course would involve indiscriminate endowments for all the other sects in Ireland, and I have the most perfect conviction that among the questions submitted to the country at the last General Election, one of the most prominent—the one which attracted the greatest amount of attention from the people of the three Kingdoms, and to which they have given the most distinct response—is that on which their verdict has been pronounced against the principle of indiscriminate endowment. If you assent to this Amendment, which involves the principle that the property should go to the Protestant laity, who constitute only one-seventh of the population of Ireland, you will be adopting a principle which will be fatal to the progress of the Bill.

LORD CAIRNS: The noble Duke has, in discussing a small Amendment, risen to a pitch of enthusiasm which I should not have thought possible if I had not witnessed it. The noble Duke spoke of a pamphlet which many of your Lordships have no doubt read with great delight. It is the production of a right rev. Prelate, and entitled, I believe, *A Speech not Spoken.* As I listened to the noble Duke's speech the first question I asked myself was whether the noble Duke had spoken in the debate on the second reading of the Bill. For I confess that the speech he has just made appears as if it had been prepared for the second reading, and not delivered on that occasion. I presume, however, that to-night's speech proceeds from the noble Duke's exuberance of fancy, which has enabled him to make a second speech on the second reading now that we are in Committee. I shall not follow the noble Duke in a discussion of first principles, but I will state a few particulars in regard to which he was inaccurate. The noble Duke says the Bill proceeds upon the principle of entirely ignoring the rights of the laity of the Church, and he further maintains that the laity have no rights, vested or otherwise, to be preserved.

THE DUKE OF ARGYLL: I said nothing of the kind. What I did say was that the Government never admitted that the small minority of Protestant laity in Ireland have a vested right in the property of the Church. I did not say that they had no right.

LORD CAIRNS: I confess I do not understand the subtle distinction of the noble Duke, who says the small minority of Protestant laity have not a right in the property of the Church, although he never said they had no right. The noble Duke denies that the laity have any right to any part of the property of the Church, and I agree that, to a certain extent, that is an accurate statement of the principle of the Bill. I complain of that principle, but I admit that the Bill does ignore to a great extent the rights of the laity. There is, however, one part of the Bill which does admit the rights of the laity in the Church. It is this—The Bill admits that with regard to every life interest preserved by it there is a correlative right on the part of the laity of the Church to all the services and benefits which it was intended they should have when the holders received their appointments. I must request your Lordships to bear that fact in mind in considering this Amendment. Another error is this—The noble Duke said that the tax described by the right rev. Prelate was equivalent to the first fruits. It may, indeed, be so, but only to a very small extent. It comprised the former contribution in the way of first fruits, but this tax goes immensely further than the tax of first fruits ever went. It was made to go further for the express and obvious purpose of providing those requisites and repairs to which my right rev. Friend has referred, and which were formerly provided for by the vestry cess. These are facts as to which there can be no dispute. The illustration of the noble Duke himself disposes of the question. Let me state the position of my right rev. Friend when he was appointed to his Irish benefice. It was a benefice of the value of £650 a year, subject to a tax of £45, paid to the Ecclesiastical Commissioners, for the purpose of repairs and providing church requisites. Now, what was the contract made between my right rev. Friend and the laity of the parish at the time he received his appointment to the benefice? I maintain that the contract was this—He was appointed to this benefice with a nominal income of £650; but out of that sum £45 shall be applied by the Ecclesiastical Commissioners for the purpose of repairs, and supplying church requisites, which, as to some of them directly, and as to others indirectly, the laity would have been obliged to provide for if this arrangement had not been made. And if my right rev. Friend were still the life holder of this benefice, the contract between him and the parish would be broken if the Government were to step in and say—"As this has been a benefice of £650 a year, and as for the £45 there shall be no compensation, henceforward it shall be a benefice of £605 only, and you, the rector, shall be bound to repair the chancel at your own expense and supply the church requisites, because if the laity do not supply them, you, the rector, must." Now, I contend that this contract will be violated by the Bill as it stands.

EARL GRANVILLE: Do I understand the noble Lord to say that the £45 goes to the service of this particular parish?

LORD CAIRNS: Certainly not; but it goes into a fund out of which the sum required for this particular benefice comes back. If you can shew exactly the amount required for the provision of a particular benefice it might be contended that, after providing that sum, the State might take possession of the tax. That, however, cannot be done. The only way in which the arrangement can be carried out is by making the Ecclesiastical Commissioners the recipients of the common fund in order that they may supply the requisites for the various benefices.

LORD NORTHBROOK said, he apprehended that the noble Lord (Lord Cairns) altogether abandoned the proposal that this legal reduction from the incomes of the holders of benefices and other preferments should be given to them and be an addition to the annuities provided by this clause. That was the effect of the Amendment, though he understood that that proposal was now abandoned, and that the Committee was discussing some Amendment which might or might not be a proper one, but which was not before their Lordships. He apprehended that their Lordships would hardly decide upon an Amendment before they had seen it. Taking the view of the noble and learned Lord, it was the right of the laity to have the disposal for their purposes of certain monies which had been taken from the life interests of the clergy and devoted to certain ecclesiastical purposes. These monies amounted to £19,000 per annum, and the life interest of that sum was no less than £200,000. The right rev. Prelate had omitted to mention the two heaviest charges which fell upon this fund—namely, the salaries to parish clerks, amounting in the aggregate to £14,513—and the salaries of the sextons, amounting to £9,668 per annum. The right rev. Prelate had altogether omitted those large items, although he mentioned minor sums for organ-blowers, the tuning of organs, and the washing of surplices. It was most important, however, to bear in mind that the payment of the salaries to the parish clerks and sextons, amounting altogether to upwards of £24,000 a year, was fully provided for under Clause 16.

THE MARQUESS OF BATH said it had been often argued from that (the Opposition) side of the House, that they did not know what was the real policy of the Government, and that some explanation ought to be obtained as to the way in which the Government would deal with the Bill if their Lordships read it a second time. They had had the advantage this evening of hearing from the noble Duke a declaration of the policy of the Government, and he would tell the noble Duke that if he had not been restrained by the wisdom and prudence of his Colleagues—in which wisdom and prudence the noble Duke did not share—from making that speech on the second reading, no power on earth would have induced him (the Marquess of Bath) to give his vote in favour of the second reading of the Bill. The noble Duke had told them what the policy of the Government was to be, and had declared that, whatever else they might agree to, they would not agree to the re-endowment of the Church. The noble Duke had thrown down a sort of challenge to the House, which he for one should not be slow to take up. He would tell the noble Duke that he had voted for the second reading of the Bill in the interest, not of the Irish Church alone, but principally in the interest of that Church, and with a view to make terms for it; and he would regard no terms as sufficient or proper which did not embrace some amount of re-endowment. He would tell the noble Duke that he was prepared to consent to a sacrifice, and a very large sacrifice, of her endowments. But when it was declared that no Amendment would be accepted which embraced the question of re-endowment—[The Duke of ARGYLL: I did not say that.]—he must say that he would vote for Amendments involving a moderate re-endowment, and by those Amendments he would stand, even if by so standing he should bring the walls of that House down about their ears; even if he brought the Constitution of the country to the ground and ruined the fortunes of himself and every Member of that Assembly. With regard, however, to the particular Amendment before the House, he thought it was an Amendment to meet an extremely unfair provision in the Bill; but he would rather suggest that the right rev. Prelate ought not to insist upon it, and for this reason—their great object must be to secure for the Irish Church that which would be permanent, and would remain after present life interests had ceased to exist. Now, the tax under discussion was a tax upon life interests; and therefore if it were diverted to the representative body of the disestablished Church, it would benefit them as long as that Church was in a comparatively prosperous state during the existing life interests; but they would obtain no benefit whatever from it when those life interests expired. Therefore he thought they should limit their demands not to that which, on principles of abstract justice, they might be entitled to ask, but to that which considerations of prudence would justify, and on that ground he did not think this Amendment should be pressed.

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*Resolved* in the *Affirmative.*

THE MARQUESS OF SALISBURY: I desire briefly to state the effect of the Amendment which I have now to propose; and in the first place I must refer to the course I have taken in reference to the last Amendment under discussion. Without thinking that the last Amendment was one to which I could attach any great value, I am bound to say that I was unwilling to seem, by voting with the noble Duke, to accept the doctrine he enunciated, that anything which could be called a re-endowment of the Irish Church, however small it might be, was inconsistent with the principle of the Bill. I offer this small preface, because I am now going to ask the approval of the noble Duke for my Amendment, for I claim it as a champion of the principle of the Bill. I desire to move an Amendment to remove from the Bill what seems to me the most outrageous violation of its principle that was ever suggested. The principle of the Bill is that vested interests should be respected, and that they should be respected in this way—by giving compensation to the clergy for their net income. My noble Friend the Secretary of State for the Colonies defined to us what that net income was. He told us in the late debate—"We desire to compensate the clergyman for his net income, and we deduct certain things which he is obliged to pay." I am about to move that the salaries of permanent curates shall be removed from the list of deductions, on this ground—that the clergyman, as a rule, is not obliged by law to have a curate. It is true that, in exceptional cases, the incumbent is obliged to pay a curate, and if the noble Earl the Secretary of State for the Colonies will move the insertion of exceptions I shall have no objection. In estimating a man's income in law you do not ask how much he spends in charity; but how much money he is forced to spend to make his income, and how much money he is forced to spend by law. These are the only two fair deductions which you can make. It would be as reasonable to deduct from the clergyman's income the sum spent in warming the church or in procuring an organ as to deduct the curate's salary. In estimating the amount of the tithe rent-charge, which is to be made the subject of rating, the curate's salary is certainly not considered as a necessary part of the expenses of the church; in fact, a clergyman is rated on the tithe rent-charge without deducting the curate's salary. I beg leave to ask the noble Earl, could there be anything more pernicious in the interests of the Church than to place a penalty on the employment of curates in estimating the amount of compensation to be given to clergymen? Is it right to fine those clergymen who have been spending a portion of their income in improving the spiritual condition of their parishes, and to make those who have neglected their duty a present of a large annuity as a reward for that neglect?

An Amendment *moved*, in line 25, to leave out ("salaries of permanent curates employed as hereinafter mentioned.")—(*The Marquess of Salisbury*).

EARL GRANVILLE: My Lords, I really cannot understand excepting deductions which are necessary payments. The proceedings under the Church Temporalities Act has a strong bearing on this point. In the Returns made to the Ecclesiastical Commissioners, incumbents in Ireland have always been allowed to deduct what they gave to their curates, even although they did not strictly fulfil the conditions of the Act. But I will not argue the question further, because I have a proposition to make to the noble Marquess (the Marquess of Salisbury), who, as he apologized for his vote in favour of the last Amendment, will appreciate a suggestion that, whatever Amendments we send down to the other House, they should be based on logical grounds. The Amendment of the noble Marquess will fall to pieces if tested by his own standard of law; and what I propose is that he shall alter the words in some way, so as not to require this deduction to be made from the income of any incumbent who has not already made it in his Return to the Ecclesiastical Commissioners. This would at once exempt all those incomes which do not exceed £300 a year, and in some other cases excuse the incumbents who have made that deduction.

THE MARQUESS OF SALISBURY said, he was afraid he could not accept that suggestion, because an incumbent might have retained "a permanent curate," not dreaming what sense would be put upon the words; but he would not object to put in "salaries of curates whom the incumbent was bound by law to employ." There were such cases, such as the incapacity of the incumbent or excessive population. He could not see that, because a curate had served the spiritual interests of the people for a great many years, he should be regarded as a spiritual luxury.

EARL GRANVILLE said, that if the noble Marquess would move his Amendment in that way he would not say "Not-content" to it, but would reserve the Government's action on the matter.

EARL GREY thought that there could be no objection to the proposition of the noble Earl. If it was right for a clergyman, when he was stating the amount of his income, in order that it might be taxed, to deduct from it the salary he paid to his curate, it was equally right to deduct the salary when they were calculating the amount of compensation to be paid to the incumbent in consideration of his income.

LORD CAIRNS said, he would be the last to justify a clergyman in making one representation now and another then to serve personal interests, but he believed these returns were made yearly, and he could easily understand how family requirements or dissatisfaction with a curate, or even the more perfect performance of parochial duties would induce an incumbent to dismiss a curate he formerly employed, and thus would return his full income this year, while the year before he claimed a deduction on account of a curate. But as the Bill stood the curate was bound to the incumbent, and they were sent through the world a sort of Mezentian *copula.* One weighty reason in favour of the Amendment was that under the new order of things the incumbent would have to make a greater expenditure in regard to charities and expenses of the Church, and he would most probably find it necessary to work harder—to do all the work, in fact, and dispense with a curate for the sake of his family.

THE EARL OF KIMBERLEY said, he thought the noble Marquess (the Marquess of Salisbury) would, on consideration, be inclined to agree to the proposition of the noble Earl (Earl Granville). He was ready to admit that it was a matter of considerable difficulty to define a permanent curate. There was a more recent act than the Church Temporalities Act—namely, 14 & 15 *Vict.* c. 73, in which occurred the phrase "the legal salary of a permanent or necessary curate or curates." The law, therefore, contemplated cases in which a curate was both permanent and necessary, and he thought it would only be fair to make such an arrangement that the salary of a permanent and necessary curate should be deducted. In England, where there was a curate—and he must be employed by the incumbent—his salary was always made a matter of deduction in calculating the value of a living. If there were two parishes which were once separate livings, but had been consolidated, and the Bishop required four services on the Sunday, it was impossible that the incumbent could perform all four, and it followed that he must employ a curate, so that in estimating the vested right of the clergyman it would be contrary to justice to reckon the salary paid to the curate. Therefore he would urge the noble Marquess to consider the suggestion which had been made, and to insert words which would make it quite explicit that where the curate was permanent and necessary his salary should be deducted in calculating the value of the benefice, THE DUKE OF CLEVELAND said, that those who had anything to do with the sale of advowsons knew that the salaries of curates were elements for lessening their value.

LORD WESTBURY said, he would suggest the use of words implying that the salary should be deducted if the incumbent was required by law to maintain the curate. He must also call attention to a proviso in the 15th clause, that the annuity of the curate "shall cease if, owing to his misconduct, without the incumbent's consent, he quit the curacy." He thought the noble Marquess would accept the Amendment suggested by the noble Earl the Secretary of State for the Colonies.

Amendment *withdrawn.*

Clause amended as follows:—"Salaries of curates employed under obligation of law."

THE BISHOP OF PETERBOROUGH said, he rose to move the insertion of words the effect of which would be to make the clause read that the Commissioners, in ascertaining the amount of an income, should deduct all rates and taxes, excepting payments to diocesan schoolmasters, visitation fees, and other payments for the maintenance of registries and Ecclesiastical Courts, and charges under the Drainage Acts and instalments of loans for building made by Board of First Fruits. His Lordship said he did not propose to press the Amendment with regard to schoolmasters, which amounted in the aggregate only to £1,500 a year. As regarded the metropolitan vicars general he had not a word to say, but he never could see the use of them in the rural parts of Ireland. Sometimes the vicar general was a Bishop's son, sometimes his nephew; generally a clergyman, rarely a lawyer, and on the *ad valorem* principle his salary would be exceedingly small. His duties were to give legal advice to the Bishop, and to perform occasionally certain legal functions for the clergy; the vicar general, therefore, existed not for the benefit of the laity, but for the benefit of the Bishop and of the clergy. Perhaps once in a year the vicar general might decide a question of almonry; but mainly and almost entirely the vicars general and the courts and the registries were for the benefit of the Bishops and of the clergy. The 21st section of the Bill abolished these courts and the duties of vicars general, and it expressly repealed by name the very Act which imposed this odious and unpopular tax on the clergy. The services were abolished, and yet payment of the tax was to be required. The special hardship was that in the case of diocesan schoolmasters and vicars general the deduction from the income was a permanent one; and yet, after the passing of the Bill, the vicar general might die, and so might the diocesan schoolmaster, and yet a permanent deduction would be made from the income of the clergyman. To continue paying an annuity to a dead vicar general or a dead schoolmaster was a singular way of respecting vested life interests. The instalments referred to in the Amendment were re-payments of loans extending over twenty-two years. Supposing a clergyman, six months before the passing of this Bill, had paid the last instalment due under the Drainage Acts, he would be required by this Bill to pay the same amount year after year for the rest of his life, so that if he lived twenty-two years he would have paid his debt to the Government twice, and, if he lived forty-four years, three times over. This he would venture to call shabby. When the second reading of the Bill was under their Lordships' consideration, he had employed some strong adjectives in referring to the character of its provisions. He had stated that, in his opinion, some of its provisions were intensely shabby; but in so saying he felt convinced that their character had not been thoroughly understood by the noble Lords near him. He believed that he was rather entitled to their Lordships' gratitude for his attention to this matter. His Amendment would have the effect of rendering this part of the clause more in accordance with his idea of justice.

Amendment *moved,* in line 27, after ("law") insert—

("Excepting payments to diocesan schoolmasters, visitation fees, and other payments for the maintenance of registries and ecclesiastical courts and charges under the Drainage Acts.")—(*The Bishop of Peterborough.*)

THE EARL OF KIMBERLEY said, he differed from his right rev. Friend in his opinion of what was justice. The right rev. Prelate no doubt thought this a mean and shabby Bill, because of the very principle which it was intended to carry out. It might, perhaps, be a very shabby thing to disestablish the Irish Church, compensating only the holders of vested interests for their lives, but if so, that was a question of principle upon which, of course, he did not entertain the same views as the right rev. Prelate. The Government, however, were perfectly willing to make any reasonable concession to his right rev. Friend, and, as this was a small matter, they would accordingly accept the Amendment with the exception of the words "and charges under the Drainage Acts." The Government would also accede to the Amendment to be moved by the noble Marquess (the Marquess of Salisbury), which was in line 27, after the word "law," to insert — "but the Commissioners shall have regard to the prospective increase (if any) of such income by the falling in or cessation of charges thereon."

THE BISHOP OF PETERBOROUGH acquiesced in this course.

Amendment (by leave of the Committee) *withdrawn.*

Amendment made by inserting the words—

("Under obligation of law, and also excepting payments for visitation fees, and other payments for the maintenance of registries and ecclesiastical courts.")

THE BISHOP OF PETERBOROUGH: My Lords, I wish to bring under your notice the case of the small incumbents in Ireland. According to statistics furnished to the Ecclesiastical Commissioners, it appears that in Ireland there are 300 small benefices, the net income of each of which is under £100 a year, 259 of which the net income is between £100 and £150, and 121 of which the net income is over £150 and under £200. In 300 benefices the incumbents are worse off than curates, because they have to pay expenses for which curates are not liable; but they have expectations of promotion, and on the ground of those expectations I am about to ask that compensation be given to them. I claim the compensation on the authority of Mr. Mill. Writing on this subject, Mr. Mill says—

> "Some laws cannot be altered without painfully frustrating existing and authorized expectations, for which, therefore, compensation is in all or most cases due. Now in the case of Church property, no authorized expectations are defeated unless those of existing incumbents."

To which Mr. Mill adds in a foot-note—

> "To make the proposition absolutely unassailable, instead of 'existing incumbents,' it should, perhaps, be said persons actually in Orders. All authorized expectations of unbeneficed expectants would be satisfied by postponing the resumption for a sufficient number of years to enable their expectation, if well grounded, to become possession."

The principle laid down by Mr. Mill amounts to this—that everyone having a reasonable expectation of promotion in the Irish Church should be allowed to realize that expectation before the nation takes possession of the property of that Church. I do not say that this would be a convenient course if this Bill is to pass; but in this case there is a discounting by the nation of a *post obit* on the Irish Church, and I think that there should be a very tender consideration of the case of the incumbents, in whose favour I am about to move an Amendment. I will refer your Lordships to a passage in the speech of the First Minister of the Crown — one of those speeches on which the verdict of the nation was taken. In one of those speeches made by him last year Mr. Gladstone said—

> "I am bound to say, in speaking of vested interests, that it appears to me at least a matter for argument and consideration, whether we can strictly and absolutely limit the phrase to those who are actually in possession of benefices, or whether some regard ought not possibly to be had —though it would be premature to give an opinion upon the point—to the case of those who have devoted themselves to an indelible profession that separates them from the great bulk of profitable secular employments, in expectation of the benefices which we have kept in existence by law under our authority, even though they may not actually have entered upon them."

It does appear to me that there is the authority of the Prime Minister, I do not say for agreeing to my Amendment, but for favourably considering the case of those incumbents. Let us suppose that the average income of an Irish benefice is £200; you may pay a man that amount either by giving him £200 a year for life, or by giving him £100 a year for part of his life and £300 a year for the remainder of it. This is the case with those incumbents. They accepted £100 a year with the prospect of preferment. I do not say that every small incumbent can legally claim £200 a year; but I say that he has a moral claim to it, on the ground of the loss of his reasonable expectation of preferment. I ask £200 a year for those men; but that, perhaps, is less than the amount to which they are morally entitled, because the average value of a benefice in Ireland is between £250 and £260. My reason for adopting £200 as the figure in my Amendment is that the Ecclesiastical Commissioners of Ireland are empowered by the Church Temporalities Act to increase the small benefices to £200 a year as funds come in; and it was on the strength of this expectation—that the small benefices would be raised to £200—many of those small incumbents gave up curacies and accepted those benefices. That I know of my own knowledge. I do not think I can state the case better than by reading an extract from a letter written by one of those clergymen. He says—

> "I was induced to give up excellent prospects in the diocese of Cloyne, and to accept the perpetual curacy of ——, considering that I was making a very prudent move, as under the provisions of the Irish Church Temporalities Acts (vide 3 & 4 *Will.* IV., c. 90, s. 6; 3 & 4 *Will.* IV., c. 37; 4 & 5 *Will.* IV., c. 90; and 6 & 7 *Will.* IV., c. 99) I was legally entitled to succeed to the rectorial income of the parish of which I am perpetual curate. I purchased, as I believed, a reversionary interest of £350 a year, secured to me by Act of Parliament, and yet now I am to be robbed of this legal vested interest which I sacrificed so much to secure, and to be left, after a service in the ministry of twenty-eight years, without any provision beyond £100 a year."

If the Government think that the sum I propose is too large, let them at all events give as a dole, if only as a dole, some compensation for the bitterly disappointed expectations of these poor men. I would now say one word as to the argument which we have frequently heard used in this discussion, founded on what is alleged to be the impropriety and injustice of giving any sum of money out of the surplus of the Church revenues to the Church herself or to the clergy. I, for one, must strongly contend, in opposition to that argument, that no such surplus can exist until every just claim of theirs has been fairly and generously considered. When you have satisfied every such claim, and have even met their appeals *ad misericordiam*, for you have announced that you would deal with them in a generous spirit, then, and not till then, have you a right to name the word surplus. If a claim be made for 6*d*. which is not just and equitable, do not grant it; but if the claim be just and equitable, then it ought, I maintain, to be a matter of pure indifference to the British nation whether the surplus is exhausted or not in meeting it, or whether a sum should be paid out of the Imperial Treasury for that purpose if it could be met by no other means. I ask the Government, therefore, whether there was no room for the exhibition of a little degree of mercy in dealing with the blighted prospects and ruined hopes of those whose cause I am pleading. It is a sad fact that since this Bill has been laid on your Lordships' table one of these poor men, whom I know to be a scholar, a gentleman, and a Christian man, has gone raving mad about its provisions. He is now a lunatic in an asylum, where he can talk only of the injustice which it has done him and of his starving children. I do not mention this unhappy circumstance as a device to gain your Lordships' support, but merely as an illustration of the severity with which this Bill will press upon many excellent men for whom I entreat this House in some way or other to provide.

Amendment *moved*, in line 39, after ("aforesaid") insert—

> ("And in all cases in which the entire ecclesiastical income of any beneficed clergyman in Ireland shall be ascertained by the Commissioners to be less than two hundred pounds a year, the annuity payable to him under this section by the said Commissioners shall be such a sum as, together with his other ecclesiastical income, if any, shall amount to two hundred pounds a year.")—(*The Bishop of Peterborough.*)

THE EARL OF KIMBERLEY: My Lords, the right rev. Prelate has insisted at great length on the necessity of doing justice by this Bill, and the language which he has used in plain terms means neither more nor less than this—that it is, in his opinion, a very unjust measure. But if noble Lords approach the discussion of its provisions in that temper, and with a determination to find in every line of it some menace or niggardliness, I am afraid it will be difficult to satisfy them. The view which we take of the Bill, however, is different from that to which the right rev. Prelate has given expression, who, while he spoke of justice, still found it necessary to use the word mercy. I do not mean to say that this is not a Bill of Pains and Penalties in one sense, as far as the Irish Church is concerned. How, I should like to know, could any man propose to disestablish an ancient Church, and hold a contrary opinion? But, while it is a Bill of Pains and Penalties, we are bound to see that all due and fair compensation is given under its provisions; and if we were now engaged in merely endeavouring to reform the Irish Church, and to effect a re-adjustment of its property, I should think nothing more just or reasonable than that as an Established Church the amount paid to its clergy should not be less than £200 a year. This, however, is a Bill for disestablishing and disendowing the Irish Church, and it is, I contend, altogether inconsistent with its principle to propose to increase the incomes of its clergy, for that is what the Amendment of the right rev. Prelate really amounts to. Under the provisions of the Bill, no doubt, the clergy are deprived of many advantages they would otherwise possess—for instance, a curate may not have the possibility of obtaining a seat on the Episcopal Bench; but is he, in consequence, to be entitled to compensation? The right rev. Prelate made a quotation from a speech of Mr. Gladstone's, but it is quite obvious that in that speech my right hon. Friend was referring to the case of the curates, and that he simply meant to imply, that in giving compensation for vested interests it was necessary to look, not only to the incomes of the clergy secured by law, but to the case of those whose incomes were not so secured, and for whom it was but just and reasonable that compensation should be provided. I am sorry to have on the part of the Government to say that it is impossible for us to assent to a proposal which we deem to be altogther inconsistent with the scope and intention of the Bill.

THE EARL OF HARROWBY said, he regretted the tone assumed by the noble Earl (the Earl of Kimberley) in describing the Bill as a measure of Pains and Penalties. That was not the tone which had been adopted by those who were responsible for it at the recent elections. Then the claims of the Irish clergy were to be matters for fair and generous consideration, but now hard, strict, sweeping justice was to be meted out to her, as limited by legal definitions. The case of the poor clergy to whom the Amendment related was, he contended, very similar to that of the curates, and he trusted the Government would forbear from acting in a spirit of hunting down men, and taking a course which tended to drive them into lunatic asylums; for that was not the spirit in which they had appealed to the country in favour of their measure.

THE EARL OF ST. MAUR said, he had listened with deep regret to the observations which had fallen from the right rev. Prelate (the Bishop of Peterborough), who seemed to him to have set up the claims of the clergy in opposition to those of the Church itself.

THE BISHOP OF DERRY said, that in supporting the Amendment, he would quote the words used by Sir Roundell Palmer, in the discussions on the Bill in the other House, as applicable in the present case—

> "We have now come to a point where the Bill manifestly breaks down upon the grounds of justice."

He had been very much struck with the statement made by the right rev. Prelate who moved the Amendment (the Bishop of Peterborough), that there were no less than 300 incumbents in Ireland with incomes under £100 a year. Their case was seriously deserving their Lordships' attention. These incumbents were certainly very much underpaid; and they had consented to accept such small incomes in the expectation of in due course obtaining promotion, all hope of which was cut off by the Bill. The expectations which these poor clergymen had were, he contended, not to be spoken of lightly. One strange feature of human nature was, that although it was keenly alive to individual suffering, it was often callous to collective suffering. This, perhaps, was one reason why the cause of the poor curates was regarded with such coldness and apathy. Persons often heard with indifference of 500 or 1,000 men being killed in battle who were greatly moved by some case of individual suffering. Poverty was not the thing which these incumbents dreaded, for a Christian man could bear up against that; but what they dreaded was the hopeless poverty which stared them in the face, with no visible means of escape in the shape of preferment. Some of their Lordships had been kind enough to express a wish to retain for the Irish Bishops the privilege of a seat in that House. Whether, under the circumstances of the Irish Church, a seat in their Lordships' House were really a privilege or benefit, or not, this he could honestly say, that he would gladly resign such a privilege if the power or possibility were only left in his hands of alleviating the distress and misery of some of these excellent men. Among them were many gentlemen highly educated. An appreciable number of the Irish clergy were members of the Universities of Oxford and Cambridge, and the majority had been educated in the University of Dublin. Appeals had often been made to Scripture in the course of this debate, and he would quote, though not in any offensive sense, the text—"Behold the cry of them that reap your fields entereth into the ears of the Lord of Hosts." In its present shape the Amendment, perhaps, might not be adopted, but he most earnestly hoped that the Bill would not be one merely of Pains and Penalties, but that something would be done by the Government to mitigate the suffering which its provisions undoubtedly would cause.

EARL GRANVILLE: I rise, my Lords, to enter the strongest possible protest against your Lordships being asked to vote for this particular Amendment. I gather from the speech of the right rev. Prelate who has just sat down that it is not intended to press it in its present form, although something different, he thinks, may possibly be adopted.

THE BISHOP OF LICHFIELD said, he hoped that something in the nature of the Amendment would be adopted. These men had spent the best portion of their lives in performing poorly remunerated duties, in the hope that they would be promoted to better livings. The Bill, although not one for the reform of the Irish Church, would touch interests called into existence by previous measures of reform. He spoke in the hearing of members of the two Ecclesiastical Commissions when he stated that distinct inducements had been held out to clergymen by former Acts of Parliament. Throughout the whole of the Black Country at this moment men were labouring faithfully upon incomes of £100 a year in the full expectation that Parliament, which had stripped the cathedrals of their surplus revenues, would raise the incomes of incumbents to an amount on which it would be possible to live.

THE EARL OF BANDON said he could corroborate the statement of the right rev. Prelate that, unless something were done such as he proposed, great injustice would be done to those men. He was personally acquainted with the clergyman to whose melancholy case the right rev. Prelate had referred. He hoped the Motion would be pressed to a division.

THE EARL OF CARNARVON said, he greatly sympathized with the feelings which had induced the right rev. Prelate to bring forward this Amendment, but he could not help expressing a hope that it would not be pressed to a division. It deserved consideration whether, in another shape, it might not be re-introduced; but the clause amended as proposed could hardly be sent down to the House of Commons with any chance of its being accepted. For what did the Amendment propose? Simply that when the income of any beneficed clergyman in Ireland should be ascertained to be less than £200 a year, his annuity should be increased to £200. Their Lordships would, in fact, stultify themselves, for they would accept a clause which would at one and the same time compensate a man in possession of a salary of £300 a year with £300, and a man with a salary of £100 with £200. The matter only required to be stated for the House to perceive that by adopting this proposal they would be placing themselves in a false position.

THE LORD CHANCELLOR said, he was delighted at the expressions which had just fallen from the noble Earl. He did not suppose, when their Lordships went into Committee on this Bill, that they would be asked to embark on the consideration of any proposition so wide as that of the right rev. Prelate (the Bishop of Peterborough). The Bill gave to the holder of every office the full value of his appointment, and then it was proposed, in addition, to compensate men who hoped to obtain these very appointments. That was to say, having given compensation for all existing interests, they were then asked to pay men for their expectancies. This was not a reasonable proposition, or consistent with the earnest desire to consider the Bill fairly and calmly with which their Lordships had gone into Committee. He hoped the measure would not be thrown out by a side wind. If the House were to vote an Amendment which the Mover himself declared he could not support in its integrity, it would argue a determination on the part of their Lordships not to give a fair consideration to the proposals of the Government.

Earl GREY said, he agreed with his noble Friend (the Earl of Kimberley) and the noble Earl (the Earl of Carnarvon) that, for the reasons given, this Amendment in its present shape could not be adopted. But he felt, he confessed, greatly disappointed that the noble and learned Lord (the Lord Chancellor) and his noble Friend, in rejecting the Amendment, had neither of them held out any hope that they would reconsider what undoubtedly was a case of very great hardship. Here they found clergymen who for twenty or thirty years had worked hard as curates, in the full assurance and expectation that a competence awaited them, suddenly and summarily cut off by this Bill from all chance of improvement of income. Some of these men had families, and all were men of education; they had served all the best of their lives, and they had, but for this Bill, a moral certainty of promotion. He did not ask his noble Friends to decide at once in what manner they would meet this case, but he did ask them to hold out an assurance that before the Bill was reported they would take the subject into their consideration, and by some means or other would enable the Commissioners to deal with exceptional cases of hardship. The case was one falling precisely within the description contained in the speech of the First Minister of the Crown, already quoted by the right rev. Bishop. Why was this extreme severity shown to these unfortunate men? Was it because of the urgent demands upon the surplus property of the Church? So far from this, the Government seemed to be absolutely embarrassed to dispose of the money, and had exercised no small amount of ingenuity, not with perfect success, in trying to discover some mode of applying this money which would not do positive harm. There was, then, no reason why these persons should not receive consideration. He had always thought that the grievance of the people of Ireland was not a mere pecuniary grievance, but that what they wanted was to put an end to a badge of degradation. Until now they had always been told that the utmost indulgence and consideration would be shown for individual interests, and he hoped these promises would be adhered to. He did not ask the Government to decide at this moment what course they would adopt, but hoped they would look into the question and try to discover some means of providing for this case of hardship.

Earl GRANVILLE said, he was obliged to the noble Earl (Earl Grey) for advising the right rev. Prelate (the Bishop of Peterborough) to withdraw his Amendment, but he wished that he had laid down the principles on which the Commissioners were to give effect to his wishes. He (Earl Granville) knew of no instance in which the course recommended was adopted. It constantly happened that compensation was given to holders of civil appointments; but he was totally unaware of any instance in which compensation had been given for injury to prospects. Nor did he agree that from these persons all hope was taken away. He had a letter from a small beneficed clergyman in Tipperary, who said he had been doing duty for the incumbents of many parishes, eight or ten miles distant, they being sinecurists and absentees. ["Name!"] He had not got the letter with him, but should be happy to give the name and the whole particulars. Surely, such a man as that, so far from requiring compensation, would benefit by the change effected by the Bill. He believed that the average of livings in the Free Kirk was £250 a year, and surely if there was a free Church in Ireland the small pittance received by one who was doing the work of many others would be increased. Under a voluntary system he could not believe that the Irish Protestants would neglect to provide for clergymen like his correspondent. With regard, however, to the suggestion which had been made to the Government by his noble Friend, unless he could have some clear notion of the principle on which they could act he was unable to hold out any hope of acceding to the suggestion.

The Marquess of SALISBURY said, it appeared to him that the principle of the Amendment was the principle of the Bill—namely, the relief of unavoidable calamity. There would be a considerable surplus, and he did not believe that any case of unavoidable calamity was more deserving of pity and consideration than the case of men who, having entered into a profession which was subject to many burdens and vicissitudes, suddenly found themselves by the action of Parliament cut off from the hopes which they had reasonably indulged. He would not rest their claim on the legal ground of compensation, but while admitting that the Amendment could not be adopted, and while joining in the appeal to the right rev. Prelate (the Bishop of Peterborough) to withdraw the Amendment, he must avow his entire agreement with those who thought that these were cases above all others requiring compassionate consideration from the Government, and that these funds being available for the relief of human misery, there was no class of human misery to which they could be more justly applied. The Secretary of State for the Colonies (Earl Granville) had rather exaggerated the case against these unfortunate men. No doubt, they had no legal right to promotion. On the other hand, all the testimony which reached us from Ireland went to show that they had a customary claim to promotion, and that five-sixths of the Church patronage being in the hands of the Bishops, the curate had a reasonable prospect of promotion to a small living, and of promotion from a small to a greater living. In that hope they had accepted employment which otherwise they would not have accepted, and they were therefore entitled to the most favourable consideration.

THE BISHOP OF PETERBOROUGH said, he could not but act on the suggestions which had been made to him, and he would not, therefore, press his Amendment. In doing so he wished to answer a statement made by the noble and learned Lord (the Lord Chancellor). He had never said that he was not prepared to support his own Amendment. What he meant to say was, that he thought the Amendment was strictly fair and equitable, but that if, in the opinion of the Government, it was too large in its terms, he would not press it, but would leave them to find other ways of dealing with this case of hardship. The principle he now advocated was adopted in the Bill itself in dealing with the case of stipendiary curates.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

THE ARCHBISHOP OF DUBLIN *moved,* to insert the following clause:—

"In case the holder of any preferment shall become disabled as aforesaid, then such holder if he be an archbishop or bishop shall with the licence of such person or persons as may be authorized to grant such license by the said church according to the rules for the time being in force for the regulation thereof, or if he be the holder of a benefice or cathedral preferment, then with the licence of the bishop of the diocese for the time being, make such provision for the discharge of his said duties as the person or persons so authorized, or the bishop, as the case may be, shall approve, and for payment of the sum necessary for that purpose out of his annuity, and thereupon the commissioners shall pay such portion of the annuity of such holder to the person appointed to discharge the said duties, so long as he shall continue to discharge the same, and the residue to such holder; and in case such holder shall not obtain such licence and make such provision as aforesaid, the commissioners shall, during his life or until he obtain such licence and make such provision, pay his annuity to the representative body of the church, who shall thereupon make such provision thereout for the performance of the duties of such holder as shall in the case of an archbishop or bishop be directed in writing by the person or persons authorized thereto by the said church, or in the case of the holder of a benefice or cathedral preferment by the bishop of the diocese for the time being, and shall pay the residue thereof to such holder."

Amendment *agreed to.* Clause *added.*

Clause 15 (Compensation to curates).

THE MARQUESS OF SALISBURY proposed to amend the clause, which said that the annuity of the curate was to cease in case of misconduct, but, as the noble and learned Lord (Lord Westbury) had pointed out, implied that if the misconduct was with the incumbent's consent he might retain his annuity. The clause also bound up the curate with his immediate rector, and made his annuity depend on the performance of the duties of that particular curacy. This was not just to the curate, whose claim to compensation arose from the fact of his having entered into the profession, and he should be enabled to obtain his income so long as he exercised his profession in Ireland with the consent of the Church Body. He, therefore, proposed not to tie the curate to the particular incumbent, but allow him to perform his duty in any part of Ireland. He had been strongly pressed by the curates to make the payment of the annuity irrespective of the performances of duties altogether, but such a provision would be inconsistent with the spirit of the Bill, and would not be fair to the laity. The most rev. Primate (the Archbishop of Dublin) had an Amendment to the same effect, and he (the Marquess of Salisbury) had no prejudice in favour of his own Amendment; but, if the most rev. Primate accepted it, he proposed to amend the clause from line 19 to line 31, so that it might stand as follows:—

> "The commissioners shall inquire whether any curate, serving as such at any time between the first day of January one thousand eight hundred and sixty-nine and first day of January one thousand eight hundred and seventy-two, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity, or other incapacity of the incumbent, or his habit of employing a curate. The commissioners shall ascertain and declare by order the amount of yearly income received by any such permanent curate, and shall pay to every such curate so long as he lives and continues to discharge the duties of his said curacy, or any other spiritual duties in Ireland, which with his own consent and with the consent of the church body herein-after mentioned may be substituted for them, or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default, an annuity commencing on the first day of January one thousand eight hundred and seventy-two equal to the amount of such yearly income, or shall on the application of such curate, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, and with the consent of the church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such curate for his own benefit.—(*The Marquess of Salisbury.*)

THE ARCHBISHOP OF DUBLIN said, he was prepared to give way upon that matter to the noble Marquess, (the Marquess of Salisbury); and, unless it was the wish of their Lordships, he should not press his Amendment. He was strongly of opinion that the arrangement proposed by the Bill as to the relative position of curates and rectors, would be productive of much inconvenience, and he had little doubt that the use of the vague term "permanent curate" would be fruitful in causing disputes between rectors and curates, which would necessitate the assumption of episcopal offices by the Commissioners. His Amendment was, that in lieu of paying to curates their salaries while they are continuing to discharge their duties, they should receive a gratuity of £100 for every year during which they had been curates, such gratuity not to exceed £1,500, nor to be less than £300. He was not asking the House to introduce any new principle into the Bill, for in the 39th clause the same principle was acted upon with regard to the Ministers of the Presbyterian Church. The expectations of the curates ought to be regarded, and what he asked for them could not be regarded as excessive, especially when it was remembered that a clergyman was incapacitated from following any other profession.

LORD CAIRNS said, he would point out that the Amendment of the noble Marquess (the Marquess of Salisbury) and the Bill of the Government only differed in regard to the terms on which compensation was to be granted to permanent curates. The Bill of the Government made the annuity of the curate depend upon his health and his abilities to discharge the duties of his curacy; whereas the annuity of the incumbent was to continue, even if by reason of sickness, old age, or other infimity he was disabled from performing his duties. The moment a curate, even a permanent curate, fell sick, his annuity, according to the Bill as it stood, would cease. That, he thought, never could have been intended by the framers of the measure, but must have arisen through inadvertence. He should support the Amendment of the noble Marquess in preference to that of the most rev. Primate.

LORD NORTHBROOK said, he wished to suggest to the most rev. Prelate (the Archbishop of Dublin) to withdraw his Amendment in favour of that of the noble Marquess (the Marquess of Salisbury).

After a few words from the LORD CHANCELLOR,

THE MARQUESS OF SALISBURY said, that incumbents and curates both had vested interests under the Bill. The incumbent was to be compensated for his net income only, deducting what he was legally bound to pay. As to the curate, last year Mr. Gladstone said that, in consideration of the indelible character of his profession, he was to have more than his bare legal right—namely, something for his fair expectations.

THE LORD CHANCELLOR said, there were two classes of curates; first, the permanent curates, who had a right to their position by law, and whose salaries were deducted from the income of the rectors; and next, there was a class of curates who were liable to be removed on very short notice by the rector. Both of these classes were to receive compensation under the Bill though on a different scale. He could not consent to give curates who had no legal right whatever to their position, and who might be removed at a few months' notice, the full compensation given to rectors and permanent curates.

LORD CAIRNS said, that in dealing with the rector the question was, was he compellable by law to have a curate? And if he was so, they were to deduct from his annuity the expense of the curate. The rector might be compelled by law to employ a curate, and yet, with the consent of the Bishop, the rector might employ one curate for six months and another curate for another six months; and neither of them would be a permanent curate. In the case of the curate, no matter where he was employed or whether the rector employed him under compulsion or not, the question was, was he to be regarded as a permanent or as a temporary curate? By the Bill the Commissioners were to determine that question by having regard to the length or term of his service and other considerations. And if they said a curate was a permanent one, he would be compensated and would come within the scope of his noble Friend's (the Marquess of Salisbury's) Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 16 (Compensation to diocesan schoolmasters, clerks, and sextons).

EARL NELSON said, he had to propose that similar compensation be given to members of cathedrals who now hold their offices for life or during good behaviour, so as to include organists and choirmen. All those who held freehold offices were compensated by payment of their salary for life; but those who were not freeholders were simply compensated by payment of one year's salary. But it happened that the holders of such offices were in precisely the same position whether the office was freehold or not. In the case of Armagh, the organist was a freeholder and the choirmen were not; in Christ Church the choirmen were freeholders and the organist not, although the duties were the same respectively. The salary of the Christ Church organist had been paid without interruption for 369 years, and though it was not a freehold office every organist had held the office for life.

Amendment *moved,* after line 12 insert the following sub-section—

(1.) The amount of yearly income which each non-capitular officer, stipendiary lay clerk, or other member of a cathedral church in Ireland is, either by contract or by custom, entitled to receive for his life or during good behaviour; line 13, "(1.)" to be altered to "(2.);" line 20, "(2.)" to be altered to "(3.);" line 25, after ("such") insert ("non-capitular officer, stipendiary lay clerk, or other member of a cathedral church.")—(*The Earl Nelson*).

EARL GRANVILLE said, he could not accept the proposition that a man who was not a freeholder should be compensated as if he were.

LORD CAIRNS said, many offices were held during good behaviour, and it would be a positive breach of the terms on which the office was held to dismiss except for good cause. He had received many statements from organists stating they had left lucrative employment to fill their present office, and that they had agreed with the Dean and Chapter to fill the office during good behaviour; one organist stated he had been educated especially for the peculiar duties of his office, which he has held for many years. It was unjust to treat such a man with less liberality than a sexton or parish clerk. Could their Lordships see any difference between the offices of sexton and organist? He suggested that the clause should be made more comprehensive, and give full compensation to all those who had documentary or personal evidence to show they held their office during good behaviour.

Amendment (by leave of the Committee) *withdrawn.*

An Amendment made.

Amendment *moved*—

"Whenever any annuity herein provided as compensation for the holder of any archbishopric, bishopric, benefice, cathedral preferment, or curacy, or for any person holding the office of clerk or sexton, shall become forfeited or cease otherwise than by the death of such holder, save only in the case herein-before provided for in the fourteenth section of this Act, then a like annuity shall thenceforth during the life of such holder be paid by the commissioners to the representative body of the church, who shall thereout make such provision for the discharge of the duties of such holder as in the case of a holder of an archbishopric or bishopric shall be directed in writing by the said church, and in all other cases as to the bishop of the diocese for the time being may seem fit."—(*The Earl of Courtown.*)

THE LORD CHANCELLOR said, they ought to proceed regularly. They were now considering how people were to be compensated, and when they had ascertained the surplus that was left it would be time to consider the disposal of it.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 17 *agreed to.*

Clause 18 (Compensation to lay patrons).

EARL GRANVILLE *moved* an Amendment, in page 8, line 20, after ("persons" insert—

("Provided always, that where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the passing of this Act any such advowson or right of presentation vested in him, he shall be entitled to compensation for such advowson or right of presentation in the same manner as if the same were then actually vested in such person.")

THE EARL OF DERBY said, they were about to disendow the Church, so as to render future patronage absolutely null and void. What principle were they to lay down as to the value of the patronage? What was the value that it was proposed to give to patrons for a right which could not be exercised till its value had been rendered *nil.* According to the principle of the Bill they were to respect all life interests; but what could be the value of that interest which, the moment it was called into action, ceased to have any value? Suppose a living of £100 a year; a man might be prepared to give eight or ten years' purchase for the right of presentation in ordinary circumstances; but what would be its value, when, according to this Bill, the right of presentation would cease with the life of the present incumbent? He had no Amendment to propose, but he really should like to know upon what principle the Commissioners were to calculate the value of that which by this Bill was destroyed.

EARL GRANVILLE said, the principle on which the Bill proceeded was to give compensation wherever property was taken away, and that was the case in the question of patronage, as well as in the life interest of each living. The course to adopt would naturally be to ascertain what had been the market value for some years past, and make that the basis for the compensation.

THE EARL OF DERBY: What the value was two years ago would be a very different thing from the market value after the passing of this Bill. I do not object to the principle of taking the present market value as a basis.

THE EARL OF KIMBERLEY: The Commissioners will, of course, proceed to ascertain what the market value of the advowsons would have been, supposing the Irish Church had not been disestablished. [*Laughter.*] Noble Lords opposite laugh, but it is evident that the object is to estimate the money value at the rate which could have been obtained in the market previous to the passing of this Bill. The Commissioners will have to consider what has been the usual market price, and that I venture to say can be ascertained by any child.

THE EARL OF DERBY: Perhaps it would be as well if Her Majesty's Government would lay down in the clause distinctly the principle upon which they intend to act.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 19 to 22 [*Powers of Church after passing of Act*] postponed.

Clauses 23 to 31 [*Dealings between Commissioners and representative Church Body*].

Clause 23 (Redemption of annuities and life interest of ecclesiastical persons).

THE EARL OF CARNARVON, in rising to propose an Amendment dealing with the question of the commutation of life interests, expressed a preference for the plan which he proposed to that which had been placed upon the Paper by the Archbishop of York. The noble Earl continued—Looking at the matter from my point of view, I cannot help thinking, whatever may be the intentions of Her Majesty's Government, that the Convocation proposed by this Bill must be a failure, and it must be a failure because it will neither possess a large area of congregations nor be backed up by a considerable reserve fund. In these respects I believe my Amendment will greatly improve the Bill. The calculations, too, are made upon the ordinary life tables, but it is very well known that the lives of the clergy are considerably longer on the average than those of the laity. The result of the plan proposed will, I believe, be that the system of commutations will be of a very close and almost niggardly character. As, too, the Government propose to buy the annuities at the rate of 3½ per cent, and they are already empowered under the Post Office Act to sell annuities at 3 per cent, they will by the scheme proposed be enabled to turn over ½ per cent, and that, too, out of the wrecked fortunes of the Irish Church. Now, my Lords, the first argument which I shall venture to urge in favour of my plan appears to me to be so strong that if I had no other I should submit it to your Lordships as conclusive. It is, that by providing for a general and early capitalization, you will close at once all the vexatious, protracted, and irritating controversy on business which will otherwise go on between the Commissioners and the various incumbents. When you look at the state of things at present existing in Ireland, and when you bear in mind the state of things which will be produced by this Bill, you cannot be too strongly impressed with the importance of closing these transactions at the earliest possible moment. It would have another advantage, and one which I would strongly press upon the attention of Her Majesty's Government, because they must desire to bring this Bill into conformity and consistency with the principles which they have announced. Now, we have been told repeatedly that the great principle which Her Majesty's Government has kept in view has been that of equality. Now, I will venture to say that, tested as I will test it by this principle, this Bill cannot be said to be consistent. In the case of Maynooth, the life interests of the Professors and the temporary and fugitive interests of the students are thrown together; and let me observe, in passing, that while the temporary and fugitive interests of the students are represented in the annual grant by £20,000, the life interests of the Professors are represented by only £6,000 of that grant. But, in estimating the compensation to Maynooth, the whole £26,000 is multiplied by the figure 14. The total of the life interests in the Irish Church, exclusive of the curates, amounts, I think, to £5,000,000, and with the curates to £5,700,000. Of the £400,000 to Maynooth, about one-third will go to satisfy annuitants, and two-thirds are left, if necessary, for the re-endowment of Maynooth. In the next place, I want to point out with regard to the Irish Church what is the average expectation of life. The figures which Mr. Gladstone himself has used show that in the case of the Archbishops and Bishops it is twelve years; in that of the incumbents thirteen years, which gives an average of twelve and a-half years; but the average for the curates is seventeen years, which brings up the general average to fourteen years, and that is what is claimed. If the average is taken for the Archbishops, Bishops, and beneficed clergy—namely, twelve and a-half years, that will leave a difference of a year and a-half between your treatment of the Irish Church and your treatment of Maynooth. Again, look at the matter in another light. The curriculum at Maynooth is eight years, but one-eighth of the students leave every year, as a consequence of that period of curriculum. With a maximum of eight years and a minimum of one year I do not know what your average will come to; but if you throw in the lives of the Professors I do not think you can get an average of more than seven years. Therefore, the case stands thus. To the Irish Church, with life interests averaging under the most adverse circumstances twelve and a-half years, you would be giving fourteen years under my plan; while to Maynooth, with life interests averaging seven years, you are about to give fourteen years. I have to remind your Lordships, that in the case of the Irish Church, in dealing with glebes, the Bill exacts the building charges whatever they may be, while the building charge for which Maynooth is liable is to be entirely remitted. I believe that an argument used in the other House against this proposal was that the Church is a religious establishment while Maynooth is an educational establishment. I admit the difference; but I am at a loss to see why ministers of religion should be compensated on one system and teachers of theology should be compensated on another and a different system. Let me not be misunderstood. I do not complain of the terms granted to Maynooth. I do not grudge Maynooth 1*s.* of the money proposed to be granted to it if this property is to be taken from the

Irish Church. What I want is that there shall be a measure of equality. I believe that anyone reading the provisions of this Bill must come to the conclusion that they are favourable to Maynooth; but if the Irish Church be compensated on terms equally favourable to her, then I have nothing to say. I now come to one or two objections which may possibly be urged against my Amendment. It may be said that some of the clergy themselves would be opposed to such a system of compensation. I have no doubt that among so large a body of men there may be some who would look to their personal interests rather than to the interests of the Church, but I believe that the men who act in that way will be, comparatively speaking, in a small minority, and I venture to urge that in such a case no minority has the right to fetter the majority. But there will be no risk as I propose to have matters dealt with, because the Commissioners are bound to satisfy themselves that the security is good. My noble Friend (Earl Granville) may say he objects to the Commissioners putting themselves or the State in any financial danger; but I say that, when we have regard to the circumstances of the Irish Church, it is a small matter to ask the Government to run some risk, because the risk would at the outside, only involve the pitiful sum of some few thousand pounds, while the advantage to be gained by the adoption of my Amendment would be the closing at once of business transactions which, under the plan of the Government, may go on for twenty-five or thirty years, and may cause very bitter feeling to exist between different parties. Again, in cases in which clergymen object to the risk or to compensation in one sum, the Commissioners may purchase a Government annuity. The Government may say that the adoption of fourteen years would be a re-endowment of the Church, but really the little addition it may involve will be but a reserve fund to cover the risk of that assurance which you place on the Irish Church in imposing on it the duties which after the passage of this Bill it will have to undertake. One thing I do hope, my Lords, and it is this—that the Church Body shall be the parties to deal with the incumbents, and not the Government. It would, I think, on every ground of policy be most unwise that you should continue to bring the Government, as represented by the Commissioners, into irritating conflict with every incumbent in Ireland. If you desire that all the bonds of union should not be loosened, and that the Church should not be broken up into fragments, then you must strengthen the hands of this central Church Body; you must put her in a position of responsibility; you must allow every receipt to be made to her and every payment to go out from her. That is the only practical way of dealing with the question. I may say in conclusion that, whether my views are right or wrong, I have never taken an unfair part against this measure. I shall not propose voluntarily or designedly any Amendments in it which do not appear to me to be really reasonable; but I do venture to urge this Amendment on the attention of your Lordships, because I look upon it as necessary to bring the measure into harmony and consistency with itself, because I believe it to be calculated, on on the whole, to remove those irritations and difficulties which must arise in Ireland, and because it seems to me to be in every sense of the word emphatically just.

Amendment *moved*, in page 9, line 27, to leave out from ("church") to the end of the clause and insert—

("It shall be lawful for such representative body, at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, but not afterwards, to apply to the commissioners for such commutation of life interests as herein-after mentioned, and thereupon the commissioners shall ascertain and declare the aggregate amount of the yearly income, to be computed as mentioned in section fourteen of this Act, of all persons holding on the first day of January one thousand eight hundred and seventy-one any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said church and entitled to compensation under section fourteen of this Act, and also the aggregate yearly value as on that day of any ecclesiastical property reserved to such holder under this Act and not passing under the provisions of this Act to the representative body herein-after mentioned, such yearly value to be the full and true value of the property after deducting all rates and taxes other than income tax, and to include the benefit (if any) derived from fines paid on renewal of leases on an average of fourteen years preceding the first day of January one thousand eight hundred and sixty-nine; and the commissioners, if the representative body shall satisfy them that such incomes and life interests are unincumbered, or if incumbered that the incumbrancers consent to the commutation, and also that the persons entitled to such incomes and life interests have consented in writing to such commutation and payment as herein mentioned, or, as regards those who have not so consented, that the due and punctual payment for their respective lives of the annuities which would be coming to them under section fourteen of this Act, and of the said yearly value of their life interests, is secured to them respectively by the said representative body, to the satisfaction of the commissioners, and by the purchase, if any such person shall require it, of a Government annuity for his life, to be held in trust to secure the payment of his annuity and life interest upon the terms mentioned in section fourteen of this Act, shall, as on the first day of January one thousand eight hundred and seventy-two, pay to the said representative body a capital sum equal to fourteen times the amount of the aggregate of such yearly incomes and yearly value of life interests; and thereupon the several annuities provided for such persons under section fourteen shall not take effect, and all the estates and interest of such persons in the ecclesiastical property included in such commutation shall vest in the commissioners.")—(*The Earl of Carnarvon.*)

THE ARCHBISHOP OF YORK: My Lords, as I have not spoken hitherto on this Bill, I trust your Lordships will permit me to say a few words upon it on the present occasion. I wish to state in a very short compass the reasons which induced me to refrain from offering any opposition to it until it reached its later stages. Last year, when this subject was under discussion, it appeared to me that the question of the disestablishment of the Irish Church was that on which the country would have to pronounce an opinion, and I, as well as many others, did what we could to draw the attention of our countrymen to that issue—disestablishment being taken to mean, if I rightly understand it, that the country would no longer adopt, as representing the true faith, that Church to which it had hitherto given its adhesion and support. That was a point which it was for the country to decide, and the constituencies have pronounced—however we may regret it, that they will no longer maintain, as teaching the truth, the Established Church in Ireland. I will not trouble the Committee by entering into this point at greater length now, nor should I have touched upon it at all but that I regard it as a right that I should endeavour to justify the fact that, as a Bishop of the Church, I have hitherto been silent on so important a part of the subject, on which I was debarred from speaking on a former occasion owing to the want of opportunity. I now come to the other most important part of the subject—the question of disendowment, of which we stand at the beginning; and in this case I think it is not the country alone, as in the case of disestablishment, which has to express its views, because here the question is one of rights and trusts, in which individuals and corporate bodies are to be considered. I have observed in the course of these debates great halting and confusion with respect to the provisions of this Bill, and I, for one, must confess that I have looked at it in vain for any principle. It has been described in "another place" as being a just and also as being a generous measure. That is a very epigrammatic way of describing it, but, like many epigrams, it does not stand the test of logical examination. I understand by being just the being fair and equitable, and by being generous the giving of something which one is not bound to bestow. In arguing this question, I am not going to enter into the history of the Irish Church or to say a single syllable about the Coronation Oath. I view the subject as affecting the rights of congregations. There are in Ireland certain congregations which this measure very seriously affects. Let me take the case of any one of them of moderate number, which has hitherto enjoyed without interruption for many generations the teaching of the Protestant Church in that country, which values that teaching, and which never has taken a single step to separate itself from the Church, which abhors—for I am obliged to mention what your Lordships know to be the fact — and detests the Roman Catholic religion;—let me, I say, take the case of such a congregation, upon which all of a sudden out of a clear sky there comes a great thunderbolt in the shape of this measure, and ask you in what position it will be placed. I have always understood that in this country, when any subject enjoys a privilege which he values, that privilege cannot be taken away by the law except for some default; but I deny that in this case there has been any default. The members of that congregation naturally wish to worship in the church where their fathers before them have worshipped, and to hear its service in the tongue which they have been accustomed to speak; but all this is to be done away with, and it is idle, I maintain, to talk to them of equality, because they can, under such circumstances, be animated by no other feeling than an overbearing sense of wrong. The excellent and worthy persons, I may add, who have framed the Bill, have been tempted from time to time to swerve a little from their own strict logical conclusions; because, while they fix equality upon its front, you will find, by looking closely at the clauses, that they endeavour to be a little generous here and there. Nevertheless, we are asked to do a great injustice in stripping the Church of almost all her property and sending her forth in that way to bear the great shock of separation from the State on which she has hitherto leant for aid; and my object, in reference to these compensation and commutation clauses is to mitigate a little the enormous injustice which the Bill in its present shape will perpetrate. I have, therefore, placed on the Paper an Amendment which has called forth unfavourable comments, but which I am prepared to justify; because, whether the margin of 25 per cent which I ask for be deemed too great or not, it will scarcely, I think, be denied that some margin is necessary in order, in the first place, to shield the Church from loss, and, in the second place, to provide a fund which may assist the Church in her first struggle. A noble and learned Lord whom I do not now see in his place (Lord Romilly) has spoken in terms of high approval of the voluntary principle, but it should be borne in mind that the primitive Church, to which he referred, was never subjected to the particular kind of trial which the Church in Ireland will have to undergo. And, since he has taken us to this ground, I will remind the noble and learned Lord of that great Apostle who made it his repeated boast that he had never been dependent on any man; that he had depended on his own trade and on the industry of his own hands and not on the voluntary principle. Whatever excellencies the voluntary principles may possess, a man entirely dependent upon his congregation is not in the best position for dealing faithfully with them. Now, of the Commissioners who are to carry out the arrangements connected with this Bill everybody speaks well, and I have not a single word to say against them; but you do not leave them to the operation of the voluntary principle. They are to do a kind of deacon's work for the Church, and you secure their services by good salaries. Now, you are inviting a number of persons who are dependent, with their wives and families, upon very small incomes, to commute those incomes, and to hand over all their substance, without telling them on what scale or in what manner the estimate is to be made. Those who are to make the estimate may follow out their duties in the same conscientious spirit which induces insurance companies to require medical certificates, or they may act in the larger and more liberal spirit. There is no direction in the Bill upon the point. There is, however—and here we see the generous spirit—a line which says, "in respect of which the capital sum is paid, as long as the annuitant requires such payment to be made." Here is, what has been confessed to be, a hint that these clergymen, whose incomes we have had variously estimated at from £250 to £300 a year, may, if they choose, re-endow the Church. You first take the endowment and run it to waste, and then you say—"Oh, if you practice self-denial you may, to some extent, re-endow the Church." That is not just, that is not generous. A third epithet applies to these provisions of the Bill which I refrain from characterizing. The clause will produce no such sum as is predicted, and I, for one, will be no party to this sordid invitation to the Irish clergy, or to the proposal that we, with a chivalrous sacrifice of principle, should first take away that on which they depend, and then, in the same breath and by the same vote, should say—"If you will pinch a little and spare a little, you make a fresh endowment for the Church." The noble Earl's (the Earl of Carnarvon's) clause differs from my own in two respects; but I shall waive mine in favour of that which he has proposed, and therefore I will not trouble your Lordships upon it. The noble Earl has rightly said that the new Body has to establish hereafter its right to your confidence, and, therefore, I think that it is wise that some little pressure should be put upon the annuitants, in order that the matter may be called to their attention, and that the whole scheme may not drift away whilst men are debating on the soundness of the security. The compulsory principle, if the Irish clergy will agree to adopt it, is, I think, a very good principle. The fourteen years, I believe, will be sufficient, not only to afford proper security, but to leave something for the Church. I had intended, my Lords, to speak at greater length, but the lateness of the hour forbids it. I am sorry in these debates to have heard the word "justice" so often used. The word justice is a very high and sacred word, and a principle which I am sure governs your Lordships in all your private relations. But I think we should be slow to apply it to transactions that are not perfectly just; to cases where, for some reason, you are compelled to disturb trusts that have existed for years—aye, for centuries—to cases where you are obliged to take away from unoffending people advantages which they have long enjoyed; to cases where you boast the principle of equality, which yet you fail to carry through. I think the word justice should be reserved for those transactions only where you can say before God and man, that you have violated no trust, that you have disturbed no man in his rightful possessions, and that you have done no injury to your neighbour.

THE EARL OF KIMBERLEY: My Lords, my noble Friend (the Earl of Carnarvon) who spoke last but one stated very justly at the close of his speech that nothing which he had said during these debates had shown any desire to attack the Bill in an unfair manner. My noble Friend did not place at all too high the importance of commutation to the future of the Church of Ireland. Her Majesty's Government considered the matter carefully; I do not know any point more worthy of consideration; and it was the full intention of the Government that any advantage which might accrue through that process should be enjoyed by the Church. My noble Friend and I may differ as to the means; but the Government have no intention to deprive the Church of any advantages resulting from that proceeding. On the contrary, they believe that under it the Church might be able to obtain funds which would be extremely useful during her transition state from an Established to a voluntary Church. But, my noble Friend seems to have made a calculation which is really not borne out by the facts of the case. There are five different classes of lives connected with Church property. In the statement which I hold in my hand the lives of the Bishops are valued at only ten years' purchase; those of the Deans and Chapters and minor corporations are calculated at thirteen and a-half years; other Cathedral dignitaries at eleven and a half years; the incumbents at twelve years, and the curates at sixteen years' purchase. Now, my noble Friend has added up these and come to the conclusion that it would not be unfair to take fourteen years as the average. The properties, however, which are held by these different classes are very different in amount. The property held by the Bishops may be taken to be worth £587,000; in the hands of the deans and chapters, £235,000; of the cathedral dignitaries, £122,000; incumbents, £4,063,000; and curates about £500,000. But, by taking the average of fourteen years, and applying that to the whole, you are in effect giving to the incumbents, who hold the bulk of the property, the whole benefit of the better lives to be found in the other classes; and, therefore, in strictness, that is not a fair and just calculation as to the property of the Church. My noble Friend says we have treated Maynooth in an exceptional manner. In one sense that is undoubtedly true; but, then, the case is also exceptional. It is that of an educational establishment; and there is a very great difficulty in comparing it with the compensation of a wholly different character given to incumbents. Applying a similar principle to incumbents and to Maynooth in one case, if two or three lives dropped, it would be merely so many annuities lost, whereas if two or three Professors dropped, complete disorganization of the educational establishment must follow. Again, my noble Friend has said that it is not strictly equitable to make a different provision as to the building charges affecting the Church and those affecting Maynooth. It must, however, be remembered what the practice has been with regard to these very buildings at Maynooth. Originally, a sum of money was from year to year provided for their repair, until the Vote was defeated by a small majority, the consequence being that the building, which was paid for by Parliament, was placed in the position that no repairs could be executed upon it. The proposal in the Bill was not introduced for the purpose of giving some special favour to Maynooth, but because it was felt to be in itself a just proposal. The fourteen years' term proposed in the case of Maynooth was the average of the whole, taking Presbyterian lives as well. It so happens that the lives of the Presbyterian clergy are considerably better than those of the other Church, and they amount to fifteen years. My noble Friend stated, with considerable force and truth, that when you have to deal with great operations it is not for indididuals to stand in the way of the benefit of the whole body. Speaking generally, that, no doubt, is a sound principle; but it is not one which can be introduced into this Bill. The provisions of the Bill largely affect private individuals, and it does not seem fair that, even for the sake of giving this Church Body a better position, you should impose such a condition on private individuals as would, without their consent, deprive them of any interest in the property which they now possess. I cannot help thinking that in his care for the Church Body, my noble Friend has rather overlooked the rights of private individuals. Now, it has been the desire of the Government, on the contrary, to have regard to all vested interests, and not deprive individuals of any vested rights which they possess under the present law. I think that the arrangement suggested by the Government is, on the whole, the best arrangement. It allows the Church Body to commute with different incumbents. It allows that body all the advantages they may obtain from commutation, if incumbents are willing to surrender a portion of their income; and I think the calculations on which my noble Friend proceeded are erroneous and cannot be supported by a careful examination of the details of the different lives.

Lord CAIRNS: My Lords, this is a very difficult question, and one upon which the welfare of the future Church in Ireland very much depends. While, however, the noble Earl opposite (the Earl of Kimberley) has treated the question in the fairest way, I do not think he has answered the, in fact, unanswerable arguments on which my noble Friend (the Earl of Carnarvon) has based his opposition to the clause. We all admit that it is of the greatest importance in a public point of view—that is to say, looking to the nation as having undertaken this work—to wind up and complete the whole of the dealings between this new Ecclesiastical Commission and all the various holders of interests in the shortest possible space of time; and I am sure we all shall be prepared to admit that if it can be done by a general commutation, that is the best way in which the settlement can be effected. That is so with regard to the nation. But now consider how important it is to obtain the same result for the Church. You are anxious to start under favourable auspices the future Church of Ireland; but that Church would be hampered very much if, here and there, in one parish and another, holders of life interests were standing upon their rights within their own parochial boundaries in such a way that the new Church Body could not re-arrange the country according to the altered circumstances in which the Church might be. In this way, forty years hence, you might have some solitary, long-lived man standing out upon his glebes, insisting on the payment of his annuity, and, for all I know, having a Commission kept up for the purpose of paying his annuity. In my opinion, it is absolutely necessary, for the efficient working of the new Church, to have, as soon as possible, a *tabula rasa* of the whole country, so as to erect upon that foundation the new superstructure which is to represent the future Church of Ireland. Starting from these principles, tha first conclusion we must come to is that we must have the most speedy commutation of which the case will admit; secondly, that the commutation must be universal, if you can provide proper security for those who are brought into the arrangement; and third, that you must carry the commutation into effect through the medium of the Church Body itself. Bearing these conclusions in mind, upon what terms can the new Church Body be asked to undertake this work? According to the Bill of the Government, each holder of a life interest is to have his own particular life valued according to the annuity tables; and, supposing all assented to the commutation, the Church Body would become possessed of the exact value of all the specific lives entitled to annuities. In other words, it is proposed that the Church should have in its hand a certain sum of money, which, if the valuation tables are accurate, would have to be paid back again to the holders of life interests. Now, is it possible that you can ask a Church Body to undertake—or is it likely that such a body would undertake—to do business of that kind on those terms? Remember that these are picked lives; and it is the opinion of all the actuaries who have considered this matter, that there are no tables of lives at present in use which could be safely adopted for the purpose of dealing with 2,000 picked lives, and that if you were guided by the ordinary tables in this case, the probability is that you would become bankrupt. In addition to this, let us see what the Church Body has to do. It has to transact the business of a public department; to negotiate with every one of those 2,000 men upon what terms they will undertake their new duties, how much of their commutation they will require in bulk, and how much in annual income? The Church Body will have to undertake the whole of the legal business which will be sure to arise, and which will entail a certain expenditure. I hold it, therefore, to be absolutely impossible that the Church Body, upon the mere payment of the calculated value of those lives, would undertake this business. It is proposed, by the Amendment, that a gross sum should be given to the Church Body; and the question is, is that an exorbitant or improper sum, in consideration of the business which has to be transacted in return? Now, I think the noble Earl opposite introduced into the discussion more, with regard to the different value of lives, than is absolutely necessary. At present, we are dealing with the commutation of the lives of the incumbents of benefices and those of higher rank in the Church. We have got rid of the curates now. None of us can calculate with certainty the value of the lives of the incumbents; but upon the best information I can obtain in the different dioceses, I may say that the average value of the lives of incumbents, which form by far the greater part of the commutation, is a fraction over or under thirteen years' purchase, while the duration of life among the Bishops would average a fraction under eleven years. Now, in charging the Church Body with the task of dealing with the whole of these incumbents, settling with them the arrangements under which payment will have to be made, is it exorbitant to ask that fourteen years' purchase should be put into the hands of the Church in consideration of their taking the whole risk and doing that business which, if not done by them, would have to be done in some form and at some expense by the Government? Now, let us see what is to be done in regard to what I may say is an analogous case—that of Maynooth. This has been already referred to, and the compensation is to be fourteen years' purchase. I can quite understand the noble Earl (the Earl of Kimberley) when he says that my noble Friend (the Earl of Carnarvon) had forgotten the lives of the Presbyterian clergy; but, in point of fact, the lives of the Presbyterian clergy are dealt with on a separate footing, because in the Bill as it stands at present, the compensation is for the value of their own lives, whereas I complain that the compensation to be given to Maynooth and to certain adjuncts of the Presbyterian Church, such as the Widows' Fund and other payments of that kind, is taken on the principle that they are worth seven years' purchase. In stating the case of Maynooth, Mr. Gladstone said—

> "What we propose—and we think it a fair and equitable proposal—is, that in order to give time for the free consideration of the arrangements and the construction of scales for the satisfaction of life-interests, and for avoiding violent shocks and disappointments to those whose prospective plans for life may have already been made upon the supposition of the continuance of arrangements which have so long existed, and which were solemnly made, there should be a valuation of the interest of all these grants—a life interest at a moderate scale, or at fourteen years' purchase of the capital amount now annually voted."—[3 *Hansard*, cxciv. 447.]

All this is done with the greatest care and tenderness for the sake of these grants which were to be compensated, and I do not say that they are compensated too highly. I want, however, to know why the same rule should not be applied to the clergy. The payments to the president, vice-president, officers, and professors of Maynooth amount to only £6,000 and to the students £5,000, making altogether £11,000. Then the establishment expenses, not connected with lives at all, were £14,560, and the whole establishment being based on a curriculum of eight years was to be compensated by fourteen years' purchase. I do not object to that; but it should be borne in mind that the curriculum of the place was only eight years, and that at any moment when the compensation might be made, some of the students would be in their seventh or eighth year. Yet the amount is fixed, not at eight, but at fourteen years' purchase. All I ask is that the clergy of the Irish Church should be treated in a similar manner, and that the principle of commutation should in their case be fixed at one gross sum of fourteen years' purchase. Let me add this. It has been said that these claims are made on the principle of asking for a re-endowment, but I answer in the words of Mr. Gladstone, who, in speaking of Maynooth, said—

> "It has been said that the sum we propose to give to Maynooth is an endowment. I maintain, on the contrary, that it is no endowment to Maynooth. It is a transition payment given to Maynooth, like the payments we give to others, to enable it to meet the circumstances of a great transition; but it is no endowment in any other sense than the other payments proposed to be made are endowments if you choose to apply that term to them."—[3 *Hansard*, cxcvi. 324.]

I do not choose to apply that term to what is now asked. It is, in the words of Mr. Gladstone, "a payment to meet the circumstances of a great transition." I have noticed with some surprise that Mr. Gladstone has expressed an opinion that through the commutation under this Bill—through the payment of the holders of life interests—the new Church Body would get a sum of £1,500,000 or £2,000,000. These are the words of the right hon. Gentleman—

> "Suppose, instead of putting this power of arrangement into the hands of the Church Body, we had reserved it in the hands of the State, and left the State to negotiate the commutation and keep the surplus, £1,000,000 or perhaps £2,000,000 would be made by the State out of these commutations. . . . . . . But this money, which might have been reserved for public purposes, has been wisely and equitably left to be harvested and stored by the Church Body, regardless of the imputations, which have never been made from this side of the House, that we were endowing or re-endowing the Roman Catholics, and doing nothing for the Irish Church."—[*Ibid*, 332-3.]

I own I am at a loss to understand how the right hon. Gentleman can imagine that by any possibility the Church can, out of the tabulated value of the holders of life interests, make £1,000,000 or £2,000,000, unless you assume that the holders of those life interests will sacrifice the value of their lives. As regards the security to the individuals to which the noble Earl referred, there can be no question about the security provided by the Amendment of my noble Friend (the Earl of Carnarvon), although I admit that the Amendment brought forward in "another place" was open to objection on the ground of its not providing sufficient security. In conclusion, I have only to express a hope that the Amendment of my noble Friend will commend itself to your Lordships, and that you will give it your support.

EARL GRANVILLE: My Lords, although I have no wish to unnecessarily detain the House I feel it is my duty to say a few words on this subject. It is quite refreshing to hear three speeches in succession not containing a single abusive epithet. I am not quite sure on what basis the noble and learned Lord (Lord Cairns) has made the calculation of the thirteen years' valuation of lives. The noble and learned Lord appears to have lost sight of a great element in the calculation. Reference has been made to the possibility of incumbents starving themselves in order to contribute to the Church fund, but I believe that in many cases very advantageous arrangements might be made. In some cases old men will be glad to retire on a commutation something less than they would receive if they continued their occupation, and no doubt some young men would be glad to start with a certain sum of money in their pockets in order to compete with English clergymen. The object of all who have taken part in this discussion is that there should be a commutation. The future of the Church very much depends upon commutation, and we all think that if the Church derives some benefit from it, so much the better for the result. I venture to think that the proposition which I make is unobjectionable, and that it would bring about the desired object, without compulsion, but merely by means of encouragement. If the noble Earl (the Earl of Carnarvon) will withdraw his Amendment I should not be unwilling to add to the clause a proviso dealing with the cases of those clergymen who have become attached to the spots where they have long resided. The other Amendment of which notice has been given by a noble Earl opposite (the Earl of Shaftesbury) is objectionable because, in consideration of the circumstance that the clergy have better lives than the ordinary community, it proposed to add 7 per cent to the commutation. The objection to the Amendment is this—while these lives are in general better than ordinary lives, there are, of course, a good many bad lives among the clergy, and if there were no restrictions, all the bad lives would take advantage of the provision, while the good lives would not be benefited to the same extent. What the Government propose is that if four-fifths of the clergy in any diocese consent to commute, then the Commissioners shall be authorized to add 7 per cent to the amount of the commutation. I hope my noble Friends opposite will take that proposal into consideration. I think it is one which if strongly recommended to the other House of Parliament by the Government as perfectly fair and intelligible will give more money to the Church and at the same time operate as a stimulus to the incumbents themselves to commute.

After a few words in explanation from Lord Cairns,

On Question, That the words proposed to be left out stand part of the Clause?—Their Lordships *divided:*—Contents 86; Not-Contents 155: Majority 69.

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*Resolved* in the *Negative.*

Amendment *agreed to.*

Clause, as amended, *agreed to.*

### TENANTS PURCHASE BY INSTALMENTS (IRELAND) BILL [H.L.]

A Bill to facilitate the sale and purchase of Land as between the Landlords and Tenants thereof by providing for the payment of the purchase money by instalments—Was *presented* by The Lord DUNSANY; read 1ª. (No. 161.)

House adjourned at One o'clock, A.M., till half past Ten o'clock.

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## HOUSE OF COMMONS,

*Thursday,* 1st *July,* 1869.

MINUTES.]—SUPPLY—*considered in Committee*—Committee—R.P.

PUBLIC BILLS—*Ordered—First Reading*—Dublin Freemen * [189]; Local Government Supplemental (No. 2) * [192]; Turnpike Acts Continuance, &c.* [191]; Fisheries (Ireland) * [190]; Land Tax Law Amendment, &c. * [188].

*First Reading*—Inam Lands * [193].

*Second Reading*—Suburban Commons * [174].

*Committee* — Sunday and Ragged Schools (*re-comm.*) * [170]—R.P.; Marriage with a Deceased Wife's Sister [23], *further adjourned.*

*Third Reading*—Imprisonment for Debt * [179]; Debts of Deceased Persons * [165], and *passed.*

*Withdrawn*—Valuation of Property * [11].

### ARMY—MAJOR M'GWIRE'S CAMPING SYSTEM.—QUESTION.

MR. KNIGHT said, he would beg to ask the Secretary of State for War, Whether Reports have been received from the Military Authorities of the Presidencies of Bombay and Madras highly commendatory of Major M'Gwire's camping system with field hammocks, as calculated to add greatly to the health and efficiency of troops in the field and on the line of march; and, if so, whether it is the intention of the Government to extend the full benefits of such system to British Soldiers in India and the Colonies?

MR. CARDWELL said, in reply, that the Reports from Madras and Bombay in regard to these hammocks had been favourable, but they were not approved by the Commander-in-Chief in India, and were not recommended by the Government of India. Until they were approved in India, it was not probable they would be generally adopted.

### METROPOLIS — ST. MARYLEBONE WORKHOUSE SCHOOL.—QUESTION.

MR. COGAN said, he wished to ask the President of the Poor Law Board, Whether it be true that five Roman Catholic children at the St. Marylebone Workhouse School at Southall have been struck off the roll as Catholics and entered as Protestants; what are the respective periods that the said children have been in the Poor Law School, giving the dates of their admission; what religious instruction has been given to them in that school, and in particular what instruction has been given to them in their own religion; and, whether the parents of the said children be living or not, and, in either case, whether they, or the nearest of kin, have been communicated with on the subject?

MR. GOSCHEN: Sir, it is not literally true that the names of five Roman Catholic children have been struck off the rolls as Roman Catholics and entered as Protestants; but it is substantially true that they have been educated for the last two years in the tenets of the Church of England, although they had been entered as Roman Catholics. In April last a Roman Catholic priest was admitted to visit them, but after two visits the five children, whose ages were about fourteen years each, objected to continue Roman Catholics, and at their own desire they were released from his instruction, fourteen years being considered the age when pauper children can decide which religion is the correct one. They have not been instructed in their own religion, for during the long time they have been in the workhouse they have only received two visits from the Roman Catholic priest, who instructed them on these two visits in the religion of their parents; but, under the circumstances described, the children have refused to be taught by the Roman Catholic priest. One or two of the children are orphans, and some of them have mothers living; but in no one case have the parents, so far as I can ascertain, or the next of kin of the orphans been communicated with. I shall make no comments on the matter, and to-morrow my hon. and learned Friend the Member for Marylebone (Mr. T. Chambers) intends to draw the attention of the House to the correspondence that has taken place between the Poor Law Board and the Marylebone authorities upon the subject.

## JERSEY JURATS.—QUESTION.

MR. LOCKE said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of the Government has been directed to the Report of the Judicial Committee of the Privy Council in the matter of the Jersey Jurats, reported in "Moore's Privy Council Reports, New Series," vol. iii., p. 482, in the year 1866; and, whether the Government intend to give effect to the opinion of that Committee, that "a complete change in the constitution of the Royal Court is absolutely necessary for the welfare of the island," by introducing a measure to effect that object?

MR. BRUCE said, in reply, that the attention of the Government had not been specially drawn to the decision to which the hon. Gentleman referred, but they were well aware that such a decision had been made. There never had been as yet direct legislation by Parliament in regard to the affairs of Jersey, the course being to apply Acts, or portions of Acts of Parliament, to that Island by Orders in Council. Constitutional authorities in that House differed on this subject; and, as this subject had not been specially brought under the notice of Government by the inhabitants or anyone else, it had not been considered by the Government with a view to legislation, nor could he hold out any prospect of legislation on the subject this Session.

## ARMY—ORDNANCE SURVEY.

### QUESTION.

MR. HOSKYNS said, he would beg to ask the Secretary of State for War, When it is the intention of the Ordnance Officers to proceed with the Cadastral Survey of the Midland and Southern Counties of England on the same (6-inch) scale already adopted in Ireland and some of the Northern Counties; and, whether it is contemplated to enlarge the scale to twenty-five inches, *i.e.*, about a square inch to the acre?

MR. CARDWELL, in reply, said, the whole of the southern counties were likely to be completed in about ten years from this time. The northern counties had been already completed, and the midland counties would be proceeded with as soon as the southern counties were finished. It was calculated that the whole survey would be finished in about fifteen years from the present time. With respect to the scale, the present survey was being made on the 25-inch scale, and the counties were published on a 6-inch scale.

## LOCAL MUSEUMS.—QUESTION.

LORD HENRY LENNOX said, he would beg to ask the First Lord of the Treasury, Whether he will authorize the necessary steps being taken to effect the systematic circulation to Local Museums, Libraries, and Institutions of the United Kingdom of the superfluous and unexhibited specimens of Art, Science, and Literature now deposited in the National Museums and Galleries in the Metropolis?

MR. GLADSTONE said, in reply, that Her Majesty's Government were very favourable to the object contemplated in the question of the noble Lord. Some things had been done in this direction, especially at the South Kensington Museum, the powers of whose directory were, however, not adequate to enable them to effect everything they thought desirable. Within the past month the Treasury had received a letter from the Trustees of the National Gallery to the effect that they had made collections of drawings intended to be deposited on loan at centres remote from London. Government would consider the whole subject systematically, with the view of obtaining the utmost benefit possible for the public.

## TAX ON SHEPHERDS' DOGS.

### QUESTION.

Mr. CAMERON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, under the thirty-eighth section of the Customs and Inland Revenue Duties Bill, a farmer who enters upon a new farm at Whitsunday, or who engages a shepherd at that term, would be liable in the one case for the Duty on the Dogs of his shepherds which had been paid for already by his predecessor on the 1st of January in the same year, and in the other case for the Duty upon the incoming as well as the outgoing shepherd; and whether he considers that any loss or inconvenience to the Public Service would arise if the period of exemption from Duty were extended to Dogs under twelve months of age?

The CHANCELLOR of the EXCHEQUER, in reply, said the tax on dogs was payable on the 1st of January by the hirer or employer of the shepherd at the time, and when paid it went to the benefit of the shepherd, just as if he had paid it himself. Having been paid, no further tax would be payable until the next 1st of January, and therefore a farmer entering on a new farm would not be liable to the duty on dogs paid by his predecessor, nor would a person engaged as shepherd be liable to the Revenue for the duty due by his employer. It would be very inconvenient to extend the exemption from six months to twelve, as it would lead to various evasions of the tax.

## IRELAND—HOWTH HARBOUR.

### QUESTION.

Mr. BLAKE said, he wished to ask the Secretary to the Treasury, Whether it is possible to obtain from the accounts of the Board of Works in Ireland a Return of the sums expended each year for the ten years ending the 1st day of January last on Howth Harbour, and for what purpose and under what authority such sums were expended; also the amount contributed from local or other sources to defray such expenditure, and by whom; together with the amount of tolls, rents, or other receipts received during the same period by the Board of Works from Howth Harbour?

Mr. AYRTON said, in reply, that there would be no difficulty in rendering accounts of the sums expended for the past ten years on this harbour, and of the amount contributed by local and other sources.

## IRELAND—SEIZURE OF FISHING SMACKS.—QUESTION.

Mr. BLAKE said, he also wished to ask the Secretary to the Treasury, Whether the Report which has appeared in the Irish Papers that the Coast Guard at Kingstown had seized five smacks having their drift nets fishing one hour before sunset is correct; and, if so, if he will be good enough to state under what section of the Fishery Acts are the Coast Guard or other authorities justified in seizing vessels under such circumstances, and what Instructions, if any, have been issued by the Board of Works as Fishery Commissioners for the guidance of the Coast Guard in such cases?

Mr. AYRTON replied, that by the Act of 5 & 6 *Vict.*, c. 160, the officers and men of the Coast Guard were authorized to enforce the provisions of the Act for regulating the Fisheries in Ireland. The Commissioners of Fisheries undertook the task of making a small code of the Fisheries Laws for the convenience of the officers and men of the Coast Guard, of which he would be happy to present the hon. Member with a copy. The Coast Guard received information that some nets had been shot for the improper capture of herrings. A boat was directed to go to the spot, when it was found that the fisheries had been disturbed by such illegal acts; and thereupon they took the steps which they considered were authorized by the Act, and they prosecuted the offenders for the illegal fishery. The Board of Works in Ireland thought the men should be admonished, and cautioned against a repetition of the offence; and to that extent only did they interfere in the matter.

MR. BLAKE: The hon. Member has not answered my Question. I asked under what Act the Officers of the Coast Guard were justified in committing the act of piracy on the high seas in seizing the five smacks?

MR. AYRTON: I am not responsible for the Coast Guard. If my hon. Friend examines the code he will see how far they were authorized in their proceedings.

MR. MATTHEWS: Under what Act of Parliament is there power to issue a code authorizing the seizure of ships on the high sea?

MR. AYRTON: The hon. Gentleman has misunderstood the answer that I gave. I did not say that the Commissioners had issued a code authorizing the Coast Guard to seize vessels, but a sode which contained a summary of the statute law relating to the performance of the duties of the Coast Guard.

MR. PEMBERTON: I think the question remains more unanswered than before.

## CATTLE DISEASE.—QUESTION.

MR. A. JOHNSTON said, he wished to ask the Vice President of the Council on Education, Whether out of a cargo of 93 beasts landed at Thames Haven on Saturday last 45 were stopped for foot and mouth disease, and whether any of the remainder were passed into the Metropolitan Market, they also being at the time affected by the disease?

MR. W. E. FORSTER replied that the figures mentioned by the hon. Gentleman were not quite correct. From inquiries he had made he found that two vessels with cattle arrived on the day referred to. One of those vessels had on board ninety-four head of cattle, twenty-one of which were detained and slaughtered on account of their having the foot and mouth disease. The other vessel had on board 323 head of cattle, fifteen of which were detained and slaughtered for the same reason. He had no reason to suppose that the authorities had in this case departed from the usual course in dealing with cattle having these particular diseases, for the reason that there was no Act in existence as yet which would enable them to do so. A Bill was, however, before Parliament that would give further power in such cases.

## DUBLIN FREEMEN BILL.

### LEAVE. FIRST READING.

Order read, for resuming Adjourned Debate on Question [29th June],

"That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of corrupt practices amongst the Freemen Electors of the City of Dublin."—(*Mr. Attorney General for Ireland.*)

Question again proposed.

Debate *resumed.*

MR. J. LOWTHER said, he should endeavour to confine himself as far as possible to the important constitutional point involved. The course proposed was altogether unprecedented, directly opposed to the established usage and custom of Parliament. The Commission was to have powers of inquiry restricted and limited to one section of the constituency, less than one-fourth of the whole. The first step of the Commissioners' inquiry would, therefore, be impeded; it would, probably, be confined to one ward of the town, corruption to a certain extent being localized; and the result would be abortive. There was no precedent that in any respect applied to this case. There was a general Act in force regulating the issuing of Commissions, which was a matter of course in certain circumstances. The House had deliberately passed a general Act to include all cases. This was an instance of exceptional legislation; and he hoped the House would pause before putting it in the power of any Gentleman on either side to get up and on his own caprice initiate special legislation, which would revive those perplexing and irritating discussions of a party character which he had hoped were removed entirely from the floor of that House. He trusted the House would not take this retrograde step, involving them in vexatious discussions, which were calculated to diminish their influence in the country.

MR. JAMES said, that if they negatived the Motion of his right hon. and learned Friend (Mr. Sullivan), he presumed it was intended that the Writ should be issued without any consequences following from the Report of the learned Judge. Hon. Gentlemen who opposed the Motion were hardly consistent in the course they were taking, for when the Motion was brought before the House for a statutable Commission, under the Act of 1853, they opposed it on the ground that the inquiry was too broad; but now, when the Motion was for a narrower inquiry, they opposed it because that inquiry would be too limited. But if the Writ were allowed to go, then even the corrupt would be entitled to vote. ["No."] He could assure hon. Gentlemen that what he stated was founded upon a legal decision given in an inquiry which had been held in England. A gentleman occupying a public position, who, according to the Judge's Report, had been guilty of systematic bribery, and who had set at defiance the orders of the Court, would have his conduct ratified, and would be entitled to exercise the franchise again if the opposition to the Motion were successful. They had never hitherto received such a Report as was made by the Judge in this case, and they were obliged to create a precedent to meet it. The great recommendation of the course proposed by his right hon. and learned Friend was that it would narrow the issue and limit the punishment to the guilty. If they allowed those corrupt voters to go unpunished, it would be tantamount to saying to others—"Go, and do likewise."

Mr. COLLINS said, he would admit that if any legislation were to follow with regard to the freemen of Dublin this was the right course to pursue. If the Bill proceeded to a second reading he would, probably, move that the powers of the Commissioners be extended to Youghal, because in that borough above £5,000 had been spent by Mr. Weguelin, which was at the rate of £40 per man for the 127 electors who had supported him, and about £18 per man for every voter in the constituency. That gentleman when he went down to Youghal could not be supposed to have any love for the place, for he stated that when asked to stand for it he did not know where Youghal was. Mr. Baron Martin, in his evidence before the Committee which was now sitting, stated that £9,000 spent at Westminster or Bradford was a most extravagant and outrageous sum, and almost enough to vitiate the election. But if £9,000 was almost too large a sum for such places as Westminster and Bradford, with more than 18,000 electors, what was the case with regard to Youghal, where £5,000 had been spent on a constituency considerably under 300? Although he did not intend to oppose the first reading, or even, perhaps, the second reading of this Bill, he thought it right to inform hon. Members opposite that he should, in all probability, at the proper time, move that it be an Instruction to the Committee that the operation of the Bill should be extended to Youghal.

Mr. SHERLOCK said, that the judgment of Mr. Justice Keogh was very precise, and his Report stated that he had reason to believe that corrupt practices had extensively prevailed among the freemen voters for the city and county of Dublin; and the question was whether that decision was to remain a dead letter, and whether the freemen were to be allowed to repeat those corrupt practices. He thought that the House was entitled to take action on the Report of the learned Judge. There could be no practical difficulty in limiting the inquiry to that portion of the constituency pointed out by the Report of the Judge; and, with the Report before them, the House would stultify itself if it did not endeavour to ascertain the extent of those corrupt practices, and act with respect to them when ascertained. If it appeared on inquiry that only a limited number of the freemen were guilty of corrupt practices, the remainder of the body would get the benefit of the investigation.

Mr. BOURKE said, he had great abhorrence of corruption, and if he believed the Bill were likely to check it, he should have given the Bill his hearty support. Measures to prevent corrupt practices had never been regarded in a party light in this country, and if this Bill bore upon its face a party stamp, those who framed it, and not those who opposed it, were to blame. Several attempts had been made to disfranchise the Dublin freemen. The first attempt was made by a private Member, under the sanction of the Law Officers of the Crown, but that turned out to be illegal. The second attempt, which was made under the *ægis* of the right hon. Baronet the Member for Morpeth (Sir George Grey), turned out to be unconstitutional, and was therefore abortive. Now, Her Majesty's Government had summoned to their aid the able Attorney General for Ireland as a forlorn hope;

but he had to complain of the construction placed by that right hon. and learned Gentleman the other night upon Mr. Justice Keogh's Report as unfair. Many hon. Members had been led away by the construction put upon that Report by the right hon. and learned Member, and by the right hon. Baronet the Member for Morpeth. In certain paragraphs of that Report fifty-nine persons were mentioned specifically as having been bribed; but there was nothing in the Report to show that those were not the same individuals who had been guilty of the other corrupt practices alluded to in the other paragraphs. He had to complain most, however, of the construction which had been put by the right hon. and learned Gentleman and by the right hon. Baronet the Member for Morpeth on the paragraph which stated that about "200 persons were induced to sign agreements pledging themselves to give their gratuitous assistance to Sir Arthur Guinness during the election, but that such agreements were colourable only." If this was correct these agreements were not made to evade the statutes against bribery and treating. In the Bewdley case Mr. Justice Blackburn drew this distinction very clearly. It was the practice in that borough to employ and pay private watchers, who rendered no service in return. The learned Judge said that the practice was very objectionable, but he reported that there was no reason to believe that direct bribery prevailed. The Judge in that case drew a clear line of distinction between bribery and treating on the one hand, and "illegal payments" on the other. The penalties for the latter offence were, indeed, quite different from those which attached to bribery and treating. The right hon. Baronet (Sir George Grey) and the Attorney General for Ireland (Mr. Sullivan) represented that between 280 and 290 of the freemen of Dublin were specified, although not by name, in the Report of Mr. Justice Keogh, as having been equally guilty of bribery and corruption. It was upon that statement the Bill was introduced the other night. Although this was nominally a Bill or inquiry, no doubt could exist as to the intentions of the Government with respect to the freemen of Dublin, because that intention was recorded in the measure of the right hon. Member for Morpeth, which they sanctioned. It was a Bill to disfranchise one section of the constituency, who happened to be by four to one opposed to the policy of the Government. Describe it how they might everybody in Ireland would believe that the Bill was simply intended as a prelude to a measure to disfranchise the Protestant portion of the constituency of Dublin. But it was not for that reason he objected to this Bill; such a measure was both impolitic and inexpedient. It was to prevent the necessity for such a Bill that general laws were passed. It was now proposed to return to a vicious system of special legislation for the simple reason that their general legislation did not apply the principle of wholesale disfranchisement to particular classes. And why should it? On what principle of justice was it proposed to tar with the same brush a body of 2,700 freemen because fifty-nine of them had been guilty of corruption? Such a step was unfair not only to the freemen but to the rest of the constituency. In the case of Bradford, Mr. Baron Martin reported that there was no reason to believe that corrupt practices prevailed, except as stated in his special Report. This was very much the same in the Dublin case, and in other respects he could not agree in the dissimilarity between the cases of Bradford and Dublin on which the Attorney General for Ireland so much insisted. If another opportunity occurred, he could bring under the notice of the House other cases resembling that of Dublin. He also contended that the Bill was unnecessary. The hon. Member for Taunton (Mr. James) said that the eleven men named in the Report would not be disfranchised. In England the Judges had given the necessary notice to men in this condition, and if Mr. Justice Keogh had also given notice to these men of the charge against them they would be disfranchised for seven years, and therefore with regard to them the proposed inquiry would have no effect. The inquiry made by Mr. Justice Keogh was of the most searching and exhaustive character, and if Mr. Henry Forster's delinquency had not been fully brought out by him he did not see how the Commissioners were to do it; because, if he were a fugitive from justice, no Commissioners could get at him; and, if he were not, the Attorney General for Ireland might institute a prosecution against him. That was, indeed, the way in which he ought to deal with Mr. Henry Forster's case, because there was this great advantage in Ireland, that there we had a machinery, by means of Crown prosecutors, for bringing persons to justice without partiality, delay, or expense. There were ample materials in the Report of the learned Judge which would enable the Attorney General for Ireland to find out who were the guilty parties and to bring them to justice. He objected to this Bill, because it was, in his opinion, special legislation of the worst class, against a body of men who, as a body, committed no offence, to justify a measure intended indirectly to deprive them of rights which had been secured to them under ancient Acts of Parliament, and which had been recognized in all Reform Bills.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, in reply to the observation of the hon. and learned Gentleman that the Bill would abolish the Protestant portion of the constituency of Dublin, he would point out that its object was simply to abolish the corrupt portion, and it was rather strange that the hon. and learned Gentleman should suggest that the terms "corrupt portion" and "Protestant portion" were synonymous. It was said that this Bill was unconstitutional, but the House would remember that a Bill to disfranchise the freemen of Yarmouth passed both Houses of Parliament; and, therefore, if it was not unconstitutional to disfranchise those freemen without inquiry, it could scarcely be deemed unconstitutional to institute a preliminary inquiry before proceeding to disfranchise the freemen in the present case. Mr. Justice Keogh had reported that fifty-nine were bribed, thirty wanted to be bribed, and 200 were willing to make a colourable agreement in order to evade an Act of Parliament. It was asked why was not a Bill introduced to disfranchise or to institute an inquiry respecting a portion of Bradford. The two cases were entirely different. In the Bradford case there was no bribery, though a number of public-houses were open in one ward, and a good number of voters got a great deal to drink without paying for it. But if hon. Gentlemen opposite thought drinking and bribery much the same offence, why did they move the issue of the Writ in the case of Bewdley, where it was proved that corrupt treating prevailed throughout the whole town by the opening of public-houses? The fact was that where treating only was reported no precedent for withholding the Writ could be found. In the case of Dublin, however, the corruption and bribery were not confined to one ward, but extensively prevailed among a large body of freemen who pervaded the whole constituency. The honest portion of the constituency ought only to be too glad to have the inquiry. Again, in Bradford it was the case of a single election, and not of a long series as in that of Dublin, and on all grounds he hoped the House would pass this Bill.

MR. W. M. TORRENS said, that whatever might be the decision of the House upon this question he hoped for the sake of the dignity of the House, it would not go forth that they had decided it upon party grounds. The Act of last Session had been proposed by those who are now in opposition, and accepted by those who are now in power, specifically in the hope, and with the view of removing once and for all the decision of questions regarding electoral questions from the reproach that belonged to a faction fight. There were several provisions of that measure about which he for one had felt at the time doubt and misgiving. But his hesitation, like that of others, had been overborne by the paramount consideration that it was worth making a great sacrifice of privilege and of prepossession, in order to obliterate from the minds of men the suspicion so long, and, he feared, so justly entertained that questions regarding seats, and regarding the constitution of constituencies, were determined by the hope of party gain or loss. They had abdicated one of the oldest and greatest of their privileges in the hope, and for the sake of securing this important result; but if, when the machinery of that Act broke down through some technical flaw, they were to fall back upon the old methods, and by a mere majority of votes decide upon denouncing the whole or a part of a particular constituency, and propose that a Commission should be issued for the purpose of justifying its disfranchisement, all the old evils would necessarily revive, and the sacrifice they had made of their privileges would have been made in vain. He was strongly of opinion, and must therefore say that he regarded this as an ill-advised proceeding. The power of the majority on that side of the House was so great that at all events it ought to be used forbearingly. The hon. and learned Member for Taunton (Mr. James) had supported this Bill on the ground that it was not following old precedents but creating a new one. Now this was just what he deprecated. He would ask the Attorney General for Ireland why he did not avail himself of the power he possessed as a public prosecutor, and proceed against those freemen who by their corrupt practices had rendered themselves liable to punishment. Instead of this, what had been the course adopted? A Bill had been introduced by the right hon. Member for Morpeth (Sir George Grey) which, discarding even the semblance of inquiry, would have disfranchised the 2,700 freemen of Dublin upon the mere allegation or imputation of their being corrupt. As the son and grandson of a freeman he must be permitted to say, as of a matter concerning which he had personal knowledge, that nothing could be more gratuitously or scandalously incorrect than to say of that large and influential body of persons that they had ever done, or that they were ever capable of being betrayed into doing acts which deserved that character. The freemen of Dublin had for generations comprised the wealthiest and the worthiest individuals in the community to which they belonged. They comprised many of the clergy, of the bar, and of the medical profession, resident in the Irish metropolis; most of its merchants and bankers, and a great number of persons possessing private property. They held, no doubt, predominantly the opinions to which he and those who sat on his side of the House were opposed; but that was in his mind rather a reason why, sitting there as judges or jurors, he and his hon. Friends around him should listen with the utmost caution and even incredulity to political charges made against them. Nevertheless, the Bill of the right hon. Baronet, without trial or proof, would have swept away the whole of those 2,700 voters, and thus completely upset the equipoise of parties, which notoriously existed in the Irish capital. There was no man in the House to whose experience and judgment in a case of difficulty or doubt he would not more willingly defer than the right hon. Member for Morpeth; but he must say that in the present case, doubt or difficulty he had none. He could not but regard the Bill brought in by him as unjust; and it was palpable that the Bill now before them was but a second edition, carefully revised, of the same measure, in favour of which the first was to be withdrawn. Some hon. Gentlemen had sought to rely on precedents. As far as he knew there were but four which had ever been alluded to, and none of them were really in point. At Grampound, in 1819, nearly the whole of an insignificantly small constituency were shown to have been bribed. The purchase was by wholesale, and its shame was so flagrant, that upon an indictment, the sitting Member was found guilty and sentenced to a fine of several thousand pounds by a court of law. Even then the House did not proceed without having before it a copy of the record, and hearing evidence at the Bar as to indiscriminate and universal corruption of the place. Grampound was a libel and a burlesque upon the representation, and therefore Parliament did well in sweeping it away. Did this furnish any example or warrant for dealing with the fifth part of a constituency numbering 13,000 voters? Sudbury was disfranchised in 1844. The whole constituency did not exceed 594; and the Commissioners reported not only many cases of proved venality, but their unanimous opinion "that systematic and extensive bribery prevailed at that election for the borough." St. Albans, with a constituency of only 483 was disfranchised under similar circumstances; the Commissioners reported that "out of a constituency of 483 there usually took bribes 308." Parliament, therefore, wisely and fitly disfranchised these places, because it was palpably impossible to reckon upon a pure election being had in either of them. That was a conclusive reason for general disfranchisement; but did anyone assert a similar reason here? His hon. Friend the Member for Galway had told the House how he had been fleeced at a Dublin election £4,500 under the plea of buying the votes of certain freemen. But that was eight and twenty years ago; and they were bound to believe that his hon. Friend did not know into how many corrupt pockets his money went, so that really his testimony on the issue before them amounted to nothing. Finally, there was the case of Yarmouth, where the freemen only and not the householders had by a special Act of Parliament been deprived of their votes. He (Mr. Torrens) was of the Parliament of 1847, by whom that Act was passed. What were the facts. The Chairman of the Committee of five (Mr. Ker Seymour) was a man still remembered with respect and affection by many within that House. He was of the same politics as the sitting Members who were unseated on proof of a prodigal outlay of money on the purchase of votes. The Committee reported—

> "That gross, systematic, and extensive bribery prevailed at the last and at the previous election; and expressed their unanimous opinion that the freemen of the borough should be disfranchised."

On this a Commission was issued, and very properly so. But is this a precedent? The Judge in the present case acts instead of the old Committee of five; but it is not even pretended that he has made any distinct recommendation whatever. On these grounds I must therefore differ from my right hon. and learned Friend, and vote against his Bill.

Mr. WHITBREAD said, that the Act of 1868 having removed from Committees the trial of Election Petitions, they did not now seek to bring back the discussion of these cases to the floor of the House; but they had not abandoned the power of dealing with the Report of the Judge as they formerly had dealt with the Report of the Committee. That distinction should be borne in mind. This House was the ultimate resort to which the Report of the Judge must come. His hon. Friend the Member for Finsbury (Mr. M'Cullagh Torrens) asked why the Attorney General for Ireland did not prosecute the guilty, but had his hon. Friend looked at the Return presented that morning? What was the result of the prosecutions? How many convictions had been obtained? It was said this proceeding was without precedent. He said there were good grounds for the disfranchisement of St. Albans, 300 out of 450 electors having been proved guilty. But how were they so proved guilty? By a Commission; yet his hon. Friend objected to the issuing of a Commission. When the right hon. Baronet the Member for Morpeth (Sir George Grey) introduced his Bill, they were told there ought first to be an inquiry; and now when inquiry was proposed, they were told there were no grounds for it. The Judge had gone as far as he could, and expressly left it to the House of Commons to deal with the cases of the freemen and the constituency affected by them. By passing the Act of last year the House desired to make the trial of Election Petitions a reality, and if, when the Judge had reported that gross and extensive corruption prevailed in a constituency, they refused to adopt the proper proceedings, the responsibility would rest with hon. Gentlemen opposite.

Mr. HENLEY said, it had been admitted on all hands that this was a piece of exceptional legislation. He thought it exceptional in every respect. He could not agree with the proposal of the right hon. Baronet the Member for Morpeth (Sir George Grey), which was to brand these freemen outright. Now, another proposal was made to try them, but he (Mr. Henley) was unable to support even that proposition. The number of persons implicated in the Report of the Judge was very limited, with one exception. Even in the case where the Judge had satisfied himself of the names and numbers the evidence did not appear to bear out to the full extent what the Judge had reported. He had carefully perused the evidence to see whether it did or did not bear out the Judge's Report. One paragraph stated that eleven had been bribed in a particular house, and the learned Judge proceeded to say that twenty or thirty others had been bribed in the same place. Any person reading that might fairly infer that forty persons had been there altogether. But of three witnesses who had been examined as to what had occurred in the house two did not carry the number beyond fifteen, and one only said it was not more than thirty. The Judge certainly had put it at the outside; and when a man spoke of twenty or thirty, and eleven had been mentioned beforehand, one would be apt to believe that forty persons had been in the house. Then there was not a tittle of evidence to prove that the persons who asked to be bribed were not the same persons. Then came a great sweeping drag-net at the end, which included 200 in addition to the former. What was that portion of the Judge's Report founded on? It seemed that a number of persons signed declarations that they would act gratuitously, and the Judge reported that that was colourable and evasive. The evidence was that there were between 300 and 400 in that position; but the Judge took and picked out the number as exactly 385. But out of these 385 no less than seventy were stated, in the evidence, to be solicitors. The Judge spoke of that as "a most portentous birth." But was it really such a "portentous birth" that solicitors on such an occasion should act without pay? His experience of his own county was that solicitors frequently acted in that way. He had read the evidence most carefully, and the conclusion he had come to was very different from that of the Judge. An attempt was made two years ago to get rid of the Dublin freemen, and the hon. Member for Galway (Mr. W. H. Gregory) had said that twenty-seven years ago, to his knowledge, that body was corrupt. There had, however, been one inquiry since, out of which they came with clean hands; and he was sorry that a Motion like the present should have been made, because he believed the more the evidence was sifted the less it would bear it out.

MR. CHARLEY said there could be no doubt that the Bill proposed to be introduced was a purely party measure introduced at the dictation of the masters of the Government. There were some who said that the masters of the Government were the Fenians; but it might be said, with greater truth, that the masters of the Government were the priests. There was no doubt if the freemen of Dublin were disfranchised that the priests would become as supreme over the representation of that city as they were now over its corporation.

Question put.

The House *divided*:—Ayes 239; Noes 136: Majority 103.

Bill *ordered* to be brought in by MR. ATTORNEY GENERAL for IRELAND and MR. CHICHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 189.]

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## PARLIAMENT — INSUFFICIENT ACCOMMODATION OF THE HOUSE.

### RESOLUTION.

MR. HEADLAM said, it would be recollected that at an earlier period of the Session he brought before the House the present state of the accommodation of Members. He then asked the House to consent to a Resolution not in favour of any particular plan, but agreeing in substance with the Report of the Select Committee. He was not aware that he met with any opposition in the course of that discussion; but he thought it right to accede to the advice given him by his right hon. Friend at the head of the Government, not to press his Motion to a division. As there were a great number of new Members in the present House he did not think he was justified in asking them to come to a vote in favour of the construction of a new building until they had had experience of the accommodation provided by the present. Since then the debate on the Irish Church and other debates had strengthened his case; and, although the plans for a new building had been for a considerable time before the House, no objections had been raised to the proposal of the Committee. More recently, the Chief Commissioner of Works had circulated a plan for the re-construction of the dining room of the House. The present dining room was, in his opinion, incapable of improvement. It was a long low room, with a northern aspect, quite unsuited to its purpose. By the proposed plan, rooms were appropriated on the dining-room floor, but with a southern aspect, and available both for the Lords and Commons. This would be a great improvement, and it could be carried out without much difficulty. Before the plan of the new House could be carried out, it would be necessary that the dining room should be re-constructed; and he would suggest that during the vacation this part of Mr. Barry's plan should be carried out, and then, when the House met next year, it should determine what should be done in regard to the recommendation of the Select Committee in favour of the construction of a new House of Commons. He had brought the subject before the House in order that the Government might express their opinion and intention as to what should be done.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "before granting the sums required for the maintenance and repair of the present Houses of Parliament, this House deems it right to state its opinion that the present accommodation for Members is not sufficient,"—(*Mr. Headlam,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir FREDERICK W. HEYGATE said, that, as a Member of the Select Committee, presided over with so much ability by the right. hon. Gentleman (Mr. Headlam), he wished to bear his testimony to the insufficiency of the accommodation provided by the present building. The right hon. Gentleman had exercised a wise discretion in not calling upon the new Members to vote for the construction of a new House until they had had some experience of the present building, and it took some time for them to realize the discomforts of the House, especially during great debates. The utter insufficiency of the offices of the House—the Vote Office, the Post Office, the Public Bill Office, the refreshment stall, and so forth, must now be known to all, and the question was only one of time. The Chief Commissioner of Works had made, he feared, a rash and injudicious promise when, in a moment of enthusiasm, he undertook to enlarge and improve the accommodation of the Ladies' Gallery. He believed he might confidentially assert that it would be impossible to do anything for them in the present building, except, perhaps, to raise their seats and take away the bars in front of their gallery. There was nothing more important than that the reporters of that House should be fully and conveniently accommodated. The late Member for Belfast (Sir Charles Lanyon) personally examined the Reporters' Gallery, the means of access to it, and the rooms behind it, and he stated that nothing could be worse than the ventilation, heat, and crowding to which those gentlemenn were exposed. There existed, moreover, no means of enlarging the accommodation when additional seats in their gallery were required. He trusted that the subject of the accommodation of the House and the necessity of constructing a new House would be seriously considered by the Government during the Recess.

Mr. GLADSTONE said, he hoped that, in reference to the proposed alteration of the dining room, the right hon. Gentleman would put himself in communication with the Chief Commissioner of Works and the authorities in the House of Lords. With regard to the larger question, as to the general accommodation for Members in that House, he trusted that it would not be considered necessary to enter upon that matter at the present time; because they had arrived at that period of the Session when it was impossible to give it adequate consideration. He believed that question must stand over till another Session. When the subject was brought forward on a former day the undertaking was that no further step would be taken upon it during the present Session. As far as the Government were concerned, they had been occupied with more urgent matters, and as respected them the question stood very much in the same state as before. He should be very grateful if the Speaker were now allowed to leave the Chair, because the Business was in a backward state, as far as the Miscellaneous Estimates were concerned.

Lord JOHN MANNERS said, he understood the First Minister of the Crown to agree that the plan submitted by the Chief Commissioner of Works should form the basis of communications with the other House of Parliament. He must say, however, that, unless those communications received the full sanction of the Government as a whole, he did not see that any result would be obtained by the isolated suggestions of the Chief Commissioner of Works. It was, therefore, necessary to know whether the Government gave their assent to the plan of the new dining room proposed by the Chief Commissioner?

Mr. GLADSTONE said, his right hon. Friend the Chief Commissioner of Works had not yet had occasion to make himself officially responsible for the plan; but if, after communicating with the authorities in the House of Lords, his right hon. Friend should be prepared to act, then the act should be not the act of a Department, but of the Government.

Mr. BERESFORD HOPE said, he thought that the matter was not one to be settled by a conversation between the right hon. Gentlemen, but that it concerned the whole House. The present was a most opportune moment for opening negotiations with the other House on the subject; and he trusted that next Session they would have a new dining room, and that the Session following the next would find them in a House of Commons that was not a disgrace to the nation.

Amendment, by leave, *withdrawn.*

### FEED STUFFS AND MANURES.

### RESOLUTION.

LORD ELCHO said, he rose to call attention to the adulteration of feed stuffs and manures. His attention was first called to this subject by a letter he received on the 20th of March last from the Marquess of Tweeddale, the Lord Lieutenant of his county, a most eminent agriculturist, who had done more for agriculture than any other man in Scotland. That letter, referring to the greatly increased demand for artificial manures, stated that a corresponding amount of adulteration had arisen. Adulteration was carried on to a most extraordinary extent, and so artfully was it done as almost to escape notice. What he asked was not any protection that would enhance the price of agricultural produce in the market, but protection against the fraudulent practices which existed, and were daily increasing, in the manufacture of manures. Last week the Highland Society met, and the Report of the Committee stated that on no previous occasion had the number of analyses been so large, clearly proving the necessity of care in purchasing these manures. The amount of adulteration detected was small compared with what passed unchallenged. Considering it his duty to get what information he could, he had gone to the Professor of Chemistry to the Royal Agricultural Society of England, and he would state some of the results of his inquiries. Of late years one of the most important manures in this country was guano, of which there were six different descriptions. The best Peruvian sold in the Liverpool market at £13 5*s*., the next description was sold at £7; others fetched £6 10*s*., £6 15*s*., £9, and some sorts as low as £4 per ton. Formerly the best Peruvian contained 19 per cent of ammonia; but now it was thought first class at 16 per cent; more frequently it contained only 14½ and 15 per cent. Guano was adulterated by chalk, gypsum, and, above all, by a yellow loam found on an island in the Mersey—Liverpool being the great manufactory of the adulterated article. That Mersey loam, or yellow sand, used for the purpose of adulterating guano fetched from £1 to £1 5*s*., and its appearance was most deceptive. He had seen what looked like a very beautiful specimen of guano, but which contained 50 per cent of this Mersey sand; and the price of the genuine article being £12 per ton, the adulterated article was sold at £8. But that was not all. There was a kind of British guano which was absolutely worthless. This was sold at £4 and £6 per ton. It was well known that good guano contained lumps of crystallized uric acid, and these were picked out and mixed with the sand in question. The farmer, seeing these, thought he had got a splendid article, bought it, and laid it on his land; but the sand was of no kind of use whatever, and the uric acid was so strong that it destroyed the vegetation within a certain distance round each lump. Then, again, the presence of ammonia being known by a strong smell, something was put into these manures in order to create this strong smell. Thus the most knowing farmers were deceived. These adulterations could not be detected by the eye—they could only be detected by analysis. Another mode of making spurious goods pass for sound was by inventing wrong names, making up a sort of compound and calling it "Swan Island guano," or some such name, taken from a place which had no existence, and the manufacturer giving out that he was the sole consignee. He came now to bones, which in their raw state were worth £5 per ton, and when crushed from £7 to £7 10*s*. They were sold for £6, £7, or £8, not in their pure state, but when adulterated with 50 per cent of gypsum, worth from 14*s*. to £1 2*s*. per ton. They were further adulterated with vegetable ivory turnings from factories at Birmingham, which were sold at £2 10*s*. or £3 per ton, and the only value of which arose from their use in adulterating bones. Sulphate of ammonia was adulterated with sulphate of magnesia or Epsom salts. Nitrate of soda, worth £14 or £15 per ton, was adulterated with salt. There were many manufacturers who bought nitrate of soda for purposes of adulteration, and who insisted upon the full letter of their bond —that is, that the maximum of impurity in the nitrate of soda should not exceed 5 per cent. Blood manure very often contained very little blood, and nitrogenous manures were adulterated with leather, which was utterly worthless as a manure. In Scotland he might safely say that the sum expended by farmers upon artificial manures amounted to more than half their rent. He came now to feed stuffs. The main feeding stuff ordinarily advertised was linseed cake, of which there were various descriptions. The pure contained only from 5 to 6 per cent of impurity; and the best test was to dissolve 100 grains in four ounces of water, and if the cake was pure it ought to form, when dissolved, a thick jelly. He had said that Liverpool was the head-quarters of adulterated manures, but Hull was the capital of adulterated feed stuffs. Out of the forty mills in Hull only three manufactured pure linseed cake, and, taking the whole United Kingdom, there was only one in ten which turned out the cake pure. The manufacturers sold three or four different qualities, the "pure" being charged £12; the "genuine" £11 15*s.*; and another description £10 10*s.* Pure oilcake was a fancy article, and a co-operative agricultural society had been started to supply it. When asked for at Hull it was said it did not exist. Some of these cakes were supposed to be pure, and were branded with the letter "P" to indicate that they were so; but, as he was informed by the eminent chemist to whom he had before referred, analysis showed that it contained from 20 to 40 per cent of adulteration. The best article was, as a rule, 10 per cent worse than pure. In fact, the brand of the trader was no security for the quality of linseed as a whole. Some kinds of adulteration were comparatively harmless—that is to say, they only robbed the buyer; but other kinds did positive injury to the cattle. They often contained seeds which passed uninjured through the animals, and sprouted as weeds in the fields of the farmer. Some of the materials used were castor oil, beans, cotton seed, ground nut, cocoanut, corncockle, mustard seed, purging flax, husks of rice, and acorns. Some of the samples contained 80 per cent of adulteration, and in certain cases such a quantity of mustard seed had been used, that the cake professing to be oilcake might have been broken up and used as mustard at table. He had seen in the laboratory of a doctor specimens of oilcake labelled as being part of cake that had killed Mr. So-and-so's cows, and he held in his hand a sample of cake that had killed the cows belonging to an hon. Member of that House. Another portion of cake he held in his hand was made of mere sweepings of various manufactures, and, although utterly worthless, was sold at the rate of £4 a ton. The system of adulterating the food of quadrupeds was carried to as great an extent as the system of adulterating the food of bipeds had been formerly, and therefore he thought that since Parliament had thought it right to legislate in the latter case, they should take some steps to interfere in the former case also. Doubtless he should be met by the *caveat emptor* argument—he should be told that the remedy he should look to was not legislation but an increased intelligence on the part of the farmer. He held, however, that it was the duty of the Government to protect people against fraud as well as against violence. It was impossible that the small farmer could bring the requisite chemical knowledge to bear upon the subject to protect himself from robbery of this description. The real question, in his opinion, was, whether or not the evil was sufficiently great to justify legislative interference. He did not know what views were entertained upon this point by the right hon. Gentleman the President of the Board of Trade, who he was sorry not to see in his place upon that occasion; but from a remark which the right hon. Gentleman had let fall the other night when speaking to him upon the subject, he was afraid that the farmers had not much to hope from him. The right hon. Gentleman had said to him on the occasion to which he referred—"Why do you always take up the most ridiculous questions?" He mentioned the circumstance to show that the farmers who looked up to the President of the Board of Trade as their protector—almost their guardian angel—against fraud, were not likely to obtain much satisfaction at the hands of the right hon. Gentleman. The impression that prevailed among the farmers in

Scotland was, that the right hon. Gentleman was extremely ignorant upon this subject, and required enlightening upon it. The right hon. Gentleman had said the other day that, if we were to go on inspecting everything, one-half the world would be inspecting the other half; but if inspection were necessary, steps should be taken to insure the establishment of a proper system, under which it could be advantageously carried out. The principle of inspection had been acted upon with reference to chicory and other adulterations of human food, and there was no reason why the same principle should not be applied to the adulteration of the food of cattle. He felt certain that the Government ought to apply a remedy. What he would suggest was the remedy of publicity—that an analysis should be made, and that the names of fraudulent tradesmen should be published at stated periods in the *London Gazette*, or some other publication. Something, at all events, should be done, and he moved that, in the opinion of the House, it was desirable that the attention of the Board of Trade should be directed to this subject.

MR. WELBY seconded the Motion, because his recent investigations into this and kindred matters had convinced him that the frauds referred to by the noble Lord (Lord Elcho) were of enormous extent, and deserved the most serious consideration of the Government and Parliament; but he confessed to having serious doubts whether any special legislation on them was practicable. Of these two branches of adulteration that of feeding stuffs was probably the most important, for by it our supply of beef and mutton was directly affected. The loss caused by the use of adulterated cake had been variously estimated at from one-quarter to half of the produce—that was to say, that to feed an animal to a given stage of ripeness took from a quarter to half as long again, and, therefore, cost from a quarter to half as much again more money with the adulterated cake sold as it would do with pure. But there were two great difficulties in the way of dealing with this—one which had been clearly pointed out by the Lord Chief Baron, in 1862, in the cause which led to the formation of the Driffield Company—that the production of oil-cake is not the primary object of the seed-crusher. His original trade was to express oil, worth £30 or £40 per ton; and the cake, valuable as it was, was really only the refuse of his manufacture. He was not in any way bound, like those who sell food for man, to see that what he sells is wholesome; the purchaser must look to that; and, as it happened that the interest of the seed-crusher and the cake consumer were not altogether identical—for the purest linseed did not give the most oil—you could scarcely punish the crusher for not selling that which he did not aim or profess to produce. But whether he should not be punished for professing to sell as pure that which was not so, was another question. On that the second difficulty arose, that in the adulteration of vegetable matters chemical analysis gave little or no assistance. Professor Voelcker said it would be easy to concoct a cake, without a particle of linseed in it, which should give the same chemical results as one made of pure linseed. The consequence of all this to the farmer was most serious. The crusher had learnt that his refuse was a marketable and valuable article, and he made it an important, though subordinable branch of his trade. And how did he carry on that branch? He sheltered himself under the peculiarities of his position, and as already stated by the noble Lord, scarcely 10 per cent of the oil mills in England turned out a pure article. Many cakes contained no linseed at all; many were adulterated with poisonous materials, as castor oil beans, croton oil beans, and curcas beans. Not long ago, Professor Voelcker produced a sample of rape-cake, mixed with wild mustard, which had killed three oxen; and another composed of "the sweepings" of an oil mill and the warehouse of a general provision dealer, a very little of which in two days had killed fourteen sheep, three horses, and a pony. Special machinery had been invented for the close imitation of linseed cake; rice dust, pollard, oat dust, &c., were made into "buff-em," which had been wittily described to be to cake what "bunkum" is to speech. Other stuffs were similarly adulterated. Rice meal had been made of rice husks and chalk. Another, Dr. Voelcker had described as of no more value than a mixture of saw dust and ground flints. In 1863 Dr. Voelcker gave a lecture on this subject, which produced a good effect for a time, but that gradually wore off, and now, owing to the demand produced by the failure of green crops last year, the adulteration was worse than ever. But the best remedy appeared to him (Mr. Welby) to be the establishment of oil mills on co-operative or limited liability principles, whose first object should be the making of pure cake, leaving the production of oil merely subsidiary. This had been done with great success at Driffield in Yorkshire. So again with manures, legislation would be difficult. It was not easy to define artificial manure, as some farmers liked it mixed with soot, gypsum, &c., and the adulteration was not easily discoverable at the time. Many a man went on wondering for a long time at the smallness of his crops from fields on which he had laid out large sums in manure; and when at last the true cause dawned upon him, the proofs of his having been cheated had vanished into the soil and the air, and he had no hope of redress. His case was a very hard one. Suppose, for instance, he bought guano, no ocular inspection, however careful, could tell whether guano was adulterated or not; but chemical analysis could. He turned to that, and the ingenuity of his persecutors converted it into a fresh instrument of torture for him. The dealers had found out that he had begun to attach belief to analysis; so they themselves sent a capital sample to be analyzed, ostentatiously published the analysis, and then adulterated the bulk which is bought on the strength of it with loam, salt, sand, &c. Or suppose he bought phosphatic manures, their value depended mainly on the percentage of soluble phosphate, or phosphoric acid in a soluble form that they contained, for in that shape they were most readily taken up by the plants. Each unit of this per cent was really worth about 3*s.* 6*d.*; so that for these manures to be worth anything like what they were sold at, they ought to contain 30 or 40 per cent of soluble phosphate. Well, what were the facts? Samples analyzed for the Kendal Farmers' Club contained, instead of 44 per cent, which they should have done at their average price of £7 14*s.*, less than 20 per cent. He spoke with some confidence on this point, because much attention had lately been directed to it in South Lincolnshire; and there one sample lately analyzed contained 6 per cent of phosphates, 54 per cent of sand, and the rest water. Of eleven other samples, at an average price of £6 8*s.* per ton, five contained only 12 per cent, or less; one contained only 2 per cent, and was worth, therefore, about 7*s.*, its price being £6; and one at £6 contained no soluble phosphate at all. The fraudulent dealers' excuse for all this was—"The farmers, in their ignorance, won't give above a certain price; we must concoct an article which we can sell them at that price, or not sell at all." There was considerable force in that argument, but the joke might be carried too far. It had been so in South Lincolnshire; for there the farmers, disgusted with the result of their inquiries, had formed themselves into an association to buy their manures direct from the manufacturers, in large quantities, with a guarantee of their quality, and to analyze them. The result had been that the members had already saved a large sum, equal to the whole of their poor rate, and they were extending so widely that their next order would be for from 10,000 to 15,000 tons. This appeared to him to be the true direction in which to look for a remedy for the evil; but though he had these doubts as to the possibility of effectual legislation, if an effectual law could be devised to assist the farmers in their efforts to protect themselves, he would hail it most cordially. In Maine a law came into operation on that very day providing that every bag or barrel of manure should bear a label, giving the maker's name, his place of business, and the percentage of phosphates and ammonia that it contained. If it did not come up to the description, the dealer might be punished. Something like this might eventually be practicable. Like the noble Lord he was not sanguine enough to expect much assistance from the President of the Board of Trade, for he had plainly intimated that he thought legislation on these matters impolitic, discussion unprofitable, and agriculture so flourishing, as to stand in no need of legislative assistance. With all due submission, he thought the right hon. Gentleman was wrong on all three points. The first two were matters of opinion, but the last was one of fact; and he would venture to say, from a somewhat long and extensive acquaintance with them, that the farmers were by no means so prosperous as the President of the Board of Trade thought. Too many of them earned their livelihood from hand to mouth; at the best of times their margin of profit was always narrow, and the bad season last year had, in many instances, touched seriously on their capital. He would undertake to say, in their name, that they would be deeply grateful for any effort which Parliament in its wisdom might think fit to make to protect them from the rapacity of those insatiable harpies, adulteration and fraud.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that the attention of the Board of Trade should be directed to the adulteration of feed stuffs and manures,"—(*Lord Elcho,*)

—instead thereof.

MR. M'LAGAN said, he thought a great deal of what was complained of could be traced to the fact that, notwithstanding the warnings which had been put forth by the various agricultural societies, farmers were willing to accept any compound that was offered to them as a new manure by unprincipled adulterators. He thought that the farmers, to a great extent, held the remedy in their own hands. Let them refuse to purchase from any manufacturer who would not give them a guaranteed analysis. This plan had been adopted in Scotland; the farmers forming themselves into local associations, and appointing chemical inspectors, and after two years, in a district where adulteration had been carried on to an immense extent, there was not found one single article of adulterated manure. He thought the adulteration of oil cake was due, in a great measure, to the fact that farmers preferred to give a much higher price for home-made cake than for foreign cake, some of which, and that from America in particular, was far superior to what was sold as home-made cake. Formerly the millers threw their oat-husks into the rivers. The husks were afterwards bought up at a high price, and ground up and mixed with other materials. Farmers must learn to exercise more caution. Oleaginous seeds could not be distinguished by the chemist; in these cases microscopical observation was necessary. In his opinion the farmer should be treated as other traders were, and if other traders did not ask for protection he did not see why the farmer should. He spoke boldly on this point because he belonged to the agricultural interest.

MR. SHAW LEFEVRE said, that two hon. Members who had spoken before him, while admitting the evils that existed, and also the difficulty of legislation, had admitted likewise that the true remedy was in the hands of the farmer himself. He was glad that this discussion had come on so soon after the debate on the adulteration of seeds, because it was possible that the Committee to which the Adulteration of Seeds Bill had been referred might be able to devise a remedy applicable to the present case also. But there was another Bill before the House upon a much larger question—namely, the adulteration of the food of the people, and it would be impossible to deal with so small a subject as feed stuffs and manures while the far more important question touching the food of the people was concerned was still undecided. The noble Lord (Lord Elcho) had said that the small farmers were unable to protect themselves, but the information he (Mr. Shaw Lefevre) had received pointed to an opposite conclusion. He had received a letter from a gentleman of great experience within the last few days, pointing out that in various districts of Scotland the farmers were sufficiently protected from these frauds by combining and forming associations among themselves. One instance was given of a district in which in the beginning much bad seed was sold; but the members of the association ceased to purchase from those who sold bad articles, and one by one the inferior vendors were weeded out. That would show that the farmers had the means of protecting themselves, and even of stamping adulteration out of a district. The farmers, by co-operation, having chemists attached to their associations, and by purchasing on a guaranteed analysis, had an easy method of meeting the evils complained of. Let it be known that there was an analytical association within the district, and adulteration would cease.

MR. READ said, the adulteration of manures and feeding stuffs was a great and crying evil, beyond the means of detection of small farmers, and therefore it was the duty of the Government to provide a remedy. He did not fancy that the question was ripe for legislation, but he held that the whole matter of adulteration and of fraud should be inquired into, and he hoped in a short time they would have a Commission to investigate the subject. As to farmers having their protection in their own hands, so had other people, and yet the Government stepped in to protect them; for instance, persons who sent diseased meat to market were liable to fine and imprisonment, and in the city of Norwich last year a farmer who sent fifty quarters of old and dirty wheat to a mill to have it cleansed, had that wheat seized and burnt in the public market. Their great national agricultural societies ought to help farmers by taking the risk of actions from publishing the names of fraudulent vendors of manures and feeding stuffs.

MR. NORWOOD said, he believed that farmers would be able to obtain plenty of pure oilcake if they would pay a fair price for it.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

## REGINA *v.* OVEREND, GURNEY, & Co.

### OBSERVATIONS.

MR. EYKYN said, he rose to call attention to the case of "Regina *v.* Gurney and others." In bringing this most important subject under the notice of the House, he had been actuated by a sense of public duty. The Company had been started in 1865 with a capital of £5,000,000, and in May, 1866, it had become bankrupt, with engagements amounting to £15,000,000, of which some £4,000,000 had to be met by the shareholders. The truth was that the Company ought never to have been formed at all, because from the outset it was not in a solvent state. Had the Committee of the Stock Exchange compelled the directors to make good their undertaking by which they guaranteed all outstanding liabilities, they would have been unable to do so, and the shares would never have been floated on the market. In the year 1865-6, the Stock Exchange Committee had permitted companies whose aggregate capital amounted to £34,700,000 to come before the public, the whole of which were in liquidation within the following year. Under these circumstances it was clear that the initiation of these companies ought not to be left under the sole control and supervision of the Stock Exchange. The effects upon public morality of cases of this kind were most deleterious, and they created a most unfavourable impression abroad. The matter had passed through an ordeal which rendered it imperatively necessary that all proceedings in reference to it should be conducted by the Government, and not left in the hands of private individuals. Dr. Thom had already expended all the money he could spare in conducting this prosecution, and an application he had made to the Treasury for assistance had been rejected. The Lord Chief Justice of the Queen's Bench had stated during the day that he must decline to hear Dr. Thom otherwise than by counsel; and therefore, when the case came on to-morrow, unless the Government took the matter up, the prosecution must of necessity fall through. The case rested now entirely with the Lord Chief Justice, with the Government, whom he regarded as distinctly responsible for the issue, and with public opinion; and, if the prosecution were allowed to drop, it might be truly said that there was one law, for the rich and another for the poor. He asked what was the meaning of "Regina *v.* Gurney," &c., if there was to be no prosecution at the instance of the Government? In most other countries there was a public prosecutor, and Lord Brougham and other eminent legal authorities had suggested that such an officer should be appointed in this country. Doubts had been expressed as to whether the prosecutor had not been requested to withdraw from this case, but he knew the character of Dr. Thom and of the directors of the Company too well to give credence to the insinuation for a moment. A former Government had not hesitated to direct its Law Officers to prosecute in the case of the British Bank, and he did not see where the difficulty lay in following the same course in the present case. The outlay in that prosecution might have been enormous, but the effect in commercial circles was such that it was money well laid out. The Lord Mayor had investigated this case for seven days, and had committed the defendants for trial. A jury of merchants had confirmed this course, and if the prosecution were not consummated it would be almost a scandal upon the Government. The hon. Member was proceeding to read his Motion when—

MR. SPEAKER said, the House having agreed to the Motion that he should leave the Chair, it was not competent for the hon. Member to conclude with his Resolution.

MR. FOTHERGILL said, he could not agree with the hon. Gentleman (Mr. Eykyn) that those who went into this concern hoping to make large gains, but who made instead great losses, were to come to that House and ask them to supply the funds of the country to carry on a prosecution which was the result of their own angry feeling. He spoke on this occasion as a sufferer, for, contrary to his usual habits, he took 100 shares in the Company, whereby he had sustained a loss of £4,000. He had consequently taken a great deal of pains to understand the case, and if he thought he had been defrauded, he would have been one of the first to commence such a prosecution. He had not, however, as a shareholder, done what other shareholders had attempted to do—namely, to repudiate the debts of the Company. Of one thing he was certain that if that attempt had succeeded, they would have heard nothing of this prosecution. The reason why this claim was now made was on account of the magnitude of the operation and the disappointment of those who took part in it, but he did not see why the case on these grounds called for any exceptional legislation. He was not acquainted with the defendants except in the ordinary course of business. He had, however, trusted them in the business transactions of many years with vast amounts, and he might have been plundered to almost any extent, but he had always found their honour perfect. This had, to his mind, too much of the character of a vindictive prosecution, and was only to be explained by the injustice and cruelty incident to angry disappointment; he therefore protested against the proposal that the money for carrying it on should come out of the pockets of the taxpayers.

MR. D. DALRYMPLE said, that he also had been no small loser by the Company, but he would neither defend them nor would he, on the other hand, assist in supplying materials for the opening speech of a prosecuting counsel on the eve of a great trial. There had been too many sensation articles in a portion of the Press in this case, but he had not expected that an opportunity of raising a sensational discussion on this question would have been made in the House of Commons. ["No!"] That was, at any rate the effect of the discussion raised that night. He had had a life-long acquaintance with the gentleman concerned, and his opinion was that the prosecutor had no claim to ask for the public money to carry on this prosecution. Dr. Thom had appealed to the shareholders for money to carry it on, and whether the money had been otherwise spent upon the case, or whether they had not responded to Dr. Thom's calls, in either event he had no claim upon the public funds. If, after the trial, it should appear that there had been a default of public justice, that would be the time to raise the grave question of the appointment of a public prosecutor.

MR. FAWCETT said, there was nothing which independent Members of that House disliked so much as to see a fair issue upon an important question defeated by a technical artifice. He and others who supported the Motion of the hon. Member for Windsor (Mr. Eykyn) were anxious that it should be tested by a division. In order, however, to defeat that object an hon. Member on the Treasury Bench and another hon. Member connected with the Government challenged the Speaker's decision on the Motion of the noble Lord (Lord Elcho), and thereby prevented the present Motion from being put. That was a remarkably clever thing, and it got rid of the issue. In order to mark his sense of this proceeding, he should, before he sat down, strain the forms of the House, as an indirect way of expressing an opinion on the issue which he was led to raise, and his opinion of the tactics resorted to by the Government. He denied that the demand for this prosecution arose from any vindictive feeling. The strongest plea for it was that justice to those who were accused demanded a fair trial. Here were men of great name—almost of historic character and of European reputation—accused of a terrible crime. If they were guilty, let them be punished as they deserved to be; but if they were innocent, let their innocence be proved in a way that could not be disputed. Let them not leave the Court with a stigma or a blemish on their character. If the trial went on to-morrow without the interference of the Government, the acquittal of the accused could not be satisfactory. The Lord Chief Justice had decided not to hear the prosecutor except by counsel, and no counsel without previous consideration of his brief, would have the hardihood to undertake the case. He therefore repeated that an acquittal under such circumstances would not be satisfactory to the public or the accused. The Secretary of State for the Home Department said, the other day, that there was a precedent which ought not to be followed, but avoided. That was the prosecution in the case of the British Bank; but he had heard it remarked by commercial men that no expenditure had produced a more salutary result than that which occurred in that case, because it proved that the Government were ready to prosecute men, however high their position, who had committed fraud against the public. The right hon. Gentleman said that this was not an exceptional case. From that statement he emphatically differed. In an ordinary and simple case, where no counsel appeared for the prosecution, the Judge would look over the depositions, or hand them over to a barrister; but, from the nature of this case, it was impossible for the Judge to take that course in the present instance. He had now redeemed the pledge he gave not to show the slightest trace of vindictive feeling against the unhappy accused, and he would say, in conclusion, that no one could exaggerate the mischief which the break-down of this trial would occasion. It was all very well to say that if the Government interfered they would have to spend £5,000 of the public money; but the public would look over the Estimates, and, finding that on some items £5,000 were comparatively wasted, would come to the conclusion that it would have been infinitely better to spend the sum in the furtherance of public justice. The course which the Government proposed to pursue would cause a public distrust in the administration of the law, because people would say that if the sum involved was small —some £5 or £10—the accused would have been brought to justice; but when millions of money were concerned, then the accused escaped altogether from trial. He trusted that in the interests of British commerce and the national reputation the accused might be declared not guilty; but he believed that it would be regarded as a great failure of justice and a national scandal if, for want of a public prosecutor, the trial entirely fell to the ground. He moved that this House do now adjourn.

Mr. MUNDELLA seconded the Motion. He disclaimed the smallest vindictive feeling, but it was desirable in the interest of the accused, as well as of British commerce, and our national reputation that the gentlemen who were about to be put upon their trial should be declared not guilty. It would be regarded as a great miscarriage of justice, and a great national scandal, if, from the want of a public prosecutor, this trial should prove abortive.

Mr. BRUCE said, that before going to the merits of the question, he was anxious to meet the charge made by the hon. Member for Brighton (Mr. Fawcett) against the Government. The hon. Member said that the Treasury Bench, for the purpose of preventing the sense of the House being taken on this question, negatived the Motion of the noble Lord the Member for Haddingtonshire (Lord Elcho).

Mr. FAWCETT explained that his remark applied only to a Member on the Treasury Bench and a Member of the Government in another part of the House.

Mr. SPEAKER said, it made no difference whether anybody cried out "No" or "Aye;" because the noble Lord the Member for Haddingtonshire did not withdraw his Amendment, and therefore it had to be put to the House, and the House decided in favour of putting the original Question that "I now leave the Chair."

Mr. BRUCE said, he fully admitted the magnitude of the issue to be tried to-morrow in its bearing on the commercial morality of the country, and the importance which the public attached to the trial; but the question they had to consider was, whether the Government should treat this case in an exceptional manner, and supply for this prosecution funds which had been almost uniformly denied in other cases. There had been for many years but one exception to the rule that the Crown never interfered in these prosecutions. That was the case of the Royal British Bank. Since that time there had been three very remarkable cases of alleged commercial fraud without any interference on the part of the Government. In the case of the Royal British Bank the cost incurred was £20,000. That was in 1857. Was it meant to be said that since that time there had not been great commercial frauds spreading deep disaster on all sides, and causing enormous losses to both rich and poor? Were not these cases entitled, on a fair consideration of commercial morality, to the interference of the Government, as well as this case? This was not a question of millions; the Government was bound to act on some definite principle. If the House was dissatisfied with the practice of the Government, they ought long ago to have raised this question. There had been cases of gross misrepresentation, cases of fraudulent dividends, cases of the grossest breaches of honesty and commercial morality; and on no occasion, except the one referred to, had the Government contributed to the expenses of the prosecution. And even in that case, upon a consideration of the whole facts, the Secretary of State who directed the prosecution was of opinion that the course then taken should not be repeated. Certainly, when an application was made last year in a somewhat similar case, that of the Leeds Bank, his predecessor in Office refused to take part in the prosecution. This was not a time to raise the question whether there ought to be a public prosecutor. There might be great authorities—perhaps there might be a preponderance of authority—in favour of the appointment of a public prosecutor; but, although the question had been repeatedly raised, Parliament had not thought fit to legislate on the matter. Had there been a public prosecutor the course of proceeding would have been very different from that which the Government was now asked to pursue. All the materials would have been submitted to a competent officer, and thoroughly examined into; and that officer would have determined what course should be taken, with a full knowledge of all the circumstances of the case. He was told that in Scotland, in a case somewhat similar to this, though not of the same vastness, the facts which appeared very strong against the directors had been submitted to the Lord Advocate, who determined that they were not sufficient to justify a prosecution, and no prosecution was instituted. But here the Government were called upon to intervene, without a knowledge of the facts of the case, because in a private prosecution, upon evidence taken in a few hours, the grand jury had found a true Bill against the accused. It was quite possible if the whole of the proceedings from the first had been submitted to the judgment of a practised lawyer he might have been of opinion that there was no case at all. ["Oh, oh!"] He was not giving any opinion; he entirely applauded the conduct of those Members who had spoken in this case and abstained from expressing any opinion of their own; but, when the hon. Member for Brighton asked for a contribution of £5,000 towards the expenses of this trial, it should be remembered that the Government would not have the direction of the prosecution. He was not quite clear that the course taken by the Attorney General, in the case of the Royal British Bank, of filing an information might not have been taken in this case; but no application was ever made to the Attorney General to file an information. And when Sir Richard Bethell was applied to in the Royal British Bank case he stated that it was only after the most careful and thorough examination into all the papers that he was satisfied that there was a case that would justify him in undertaking it. But it was a very different thing to be asked to intervene at an advanced stage of the proceedings, and to give the weight of the Government to this prosecution. It should also be remembered that the persons interested in the prosecution had ample means to conduct it. In that very House they had the hon. Member for Merthyr (Mr. Fothergill), one of the largest ironmasters in the kingdom, and the hon. Member for Bath (Mr. D. Dalrymple), who were shareholders; yet both had determined not to contribute towards the expenses of the prosecution. Besides, since the prosecution in the case of the Royal British Bank, an Act had passed which gave great facilities to the prosecutor. By the Act of 1857, incorporated with the Criminal Procedure Act of 1860, proof of these cases was rendered more easy, and the Judge had power to give costs to the prosecutor, so that he did not carry on the prosecution entirely at his own risk. Under all the circumstances of the case, the Government did not think they were specially called upon to make this case an exception to the ordinary rule. If the House was discontented at the possible failure of justice, they should long ago have legislated so as to prevent a failure of justice. Could it be said that during the last twelve years there had not been cases of alleged fraud, which had thrown an enormous expense on the prosecutors; and why was this case, of all others, to be chosen as an exception to the general rule with regard to Government interference? Was it because it stood at five to three or four to two? Surely, they must proceed on some other rule. If blame was due anywhere it was to Parliament that it must be attributed. The mischief arising from the want of a public prosecutor had been long known; but Parliament—he did not say the present Parliament—had shrunk from applying a remedy; and, having done so, it seemed not fair or just to fasten on the Government a censure for refusing to bring funds and the weight of their influence to bear on this particular case.

Sir PATRICK O'BRIEN said, he thought that the effect of the Limited Liability Companies' Act of 1856 should be jealously watched by the Government. Widows, and persons of small means, had been induced to invest their money in such undertakings, and were thereby reduced to absolute poverty. In his own country, the accused would be prosecuted by the Attorney General for Ireland. No one asked the Government to commence a vindictive prosecution; but it was a case in which the Government should see that justice was done, and that a proper investigation took place.

Mr. GILPIN said, he had not heard the whole of the debate, and he regretted it because he should like to have learned from the hon. Member who had opened it (Mr. Eykyn) what end he intended to serve by bringing this subject before the House. The public had not undertaken this prosecution; the Government had not undertaken it; a private individual, injured in his own opinion — and he (Mr. Gilpin) was not prepared to say that that opinion was mistaken — took the opportunity of prosecuting those who he believed had injured him. That gentleman got the supposed offenders committed for trial, and the Government had nothing to do with that. And yet the Government were asked at this stage of a prosecution, to which they were no parties, to carry that prosecution to an end—and to what end? The hon. Gentleman, who had last spoken, appeared to urge the Government to undertake the prosecution on behalf of certain persons who had suffered by the failure of Overend, Gurney, and Co. He (Mr. Gilpin) had always advocated the appointment of a public prosecutor, but he objected to a prosecutor being appointed *ex post facto* for a particular case. Let it not be supposed that he was one of those who had not suffered. Members of his family had been reduced to the very verge of ruin by the failure of Overend, Gurney, & Co.; but those who had so suffered would not add a feather's weight to the humiliation and suffering which had already attended the members of that firm. He was not acquainted with all its members, but he knew the Gurneys; he called them friends in the hour of their prosperity, and he should be ashamed of himself if he hesitated to call them friends in the hour of their adversity. Within the last few days he had seen two of the persons whose conduct had been impugned, and he knew that they were desirous that the trial should proceed. He knew that they were confident that they could vindicate themselves. Well, then, let the trial be carried on by those who had conducted it hitherto. If they could not carry it on, they should not have instituted it; but he most respectfully protested against the power of the State being employed in sustaining a prosecution begun by a private person. He recollected it had been so employed on a former occasion, in which it was his opinion that, after an expenditure of £38,000, they got hold of and punished the wrong man.

Sir PATRICK O'BRIEN explained that in what he had said, he guarded himself against expressing any opinion as to the guilt of those gentlemen. He should be very sorry to think they were guilty.

MR. STAVELEY HILL said, he wished to add to the authority of the right hon. Gentleman the Secretary of State for the Home Department any little weight his testimony could give. It never had been the practice of Government to take up a proceeding of this sort, at the stage at which it had now arrived. Whenever a prosecutor intended to call in the assistance of the Government, it was usual to do so before going before the committing magistrate. When a private prosecutor had gone on to the eleventh hour, it was too late to call on the Government to take up the case.

THE ATTORNEY GENERAL said, that in the first place it should be borne in mind that there were two distinct questions raised in this discussion; one was the general question of the appointment of a public prosecutor, and the other the conduct of the Government with regard to this prosecution. As to the appointment of a public prosecutor, he had once or twice before expressed a strong opinion that such a public functionary was desirable, and he had seen no reason to change that opinion. But it must be remembered that we had no public prosecutor in this country. The Government was not a public prosecutor. The Attorney General was not. It was only in rare and exceptional cases that the Government had conducted prosecutions, and here he would observe that the application now made to the Government was entirely unprecedented. No Government had ever subsidized a prosecution. They either prosecuted or they did not, and if they did prosecute, the proceedings were conducted under the direction of the Secretary to the Treasury. For a prosecutor to go to the Government and say—"Give me so much money, but you shall have no control over the prosecution," was entirely without precedent. Then came the question whether the Government themselves ought to have undertaken the prosecution. The principles upon which the Government proceeded were these—first they had reference to the public importance of the prosecution, and secondly to the probability of a conviction. In order to enable the Crown to determine whether they would prosecute or not it was absolutely necessary that they should have the evidence before them; and, therefore, if Dr. Thom and those who were conducting the prosecution had wished the Government to take up the case, they should have furnished the Law Officers of the Crown with all the information which they possessed respecting the case before the matter came before the Lord Mayor, or else have sent the depositions afterwards. Neither of those courses had, however, been adopted, and the result was that they were totally without information to enable them to judge whether there was a good case and whether it would be desirable for them to undertake the prosecution or not. It was impossible for the Crown to go into Court to-morrow morning, knowing nothing of the case, and say that the prosecution was now going to be conducted by the Government. Therefore, under these circumstances, however much hon. Members might regret the absence of a public prosecutor, they most feel it was impossible for the Government to have pursued any other course than the one they had adopted in the matter.

SIR JOHN PAKINGTON said, he was quite aware of the importance that attached to the opinions of the hon. and learned Member behind him (Mr. Staveley Hill) and to that of the Attorney General, but it appeared to him, with all submission, that those hon. Members had overlooked the precise practical question before the House. He had not had the advantage of hearing the earlier part of the speech of the right hon. Gentleman the Secretary of State for the Home Department, but to the latter portion of that speech he had listend with great regret. This was a most important and extraordinary question, and one which touched the interest and the honour of this great country from one end of the country to the other. The failure of this great house had inflicted ruin and misery throughout the length and breadth of the land. Personally, he was not affected in any degree by the question, and therefore his opinion was free from any taint of partiality; but he was convinced that, if this prosecution were to be allowed to drop for want of funds, a deep blow would be inflicted upon the laws of this country, and great dissatisfaction would be felt by the public. If there was no precedent for the course the Government were asked to take, they might—as they had done in another case that night—make a precedent. He hoped nothing so scandalous would occur as a failure of this prosecution from want of funds to carry it on.

Mr. BUXTON said, this subject was to him a peculiarly painful one, but he must express the deep regret which the directors and their friends would feel in the event of this prosecution not being proceeded with. They had been advised not to enter upon their defence before the Lord Mayor, in the belief that they would have an opportunity of setting themselves right with the public on their trial. He was intimately acquainted with the details of the defence; and, putting aside the errors of judgment which he was afraid the directors had fallen into, he could confidently assert that they were as free from all imputation of fraud as any hon. Members in that House. If the defence were to be entered into it would have an immense effect upon the public mind; and therefore he trusted in the interest of the directors, that the prosecution might go forward in order that their honesty might be triumphantly vindicated. If the prosecution were to drop through it would be by reason of the conduct of the rich shareholders, who were content to express their belief of the guilt of the directors without contributing 1*d.* towards the expenses of the prosecution. During the prosperity of the directors they were generally respected and beloved, and no persons had so much reason to deplore the ruin of the undertaking as the multitude of those who had participated in their bounty.

Mr. BARNETT said, that having heard a good deal said on both sides of the question, he had come to the conclusion that the Government had exercised a wise discretion in not undertaking the prosecution. In the case of the Western Bank of Scotland where the ruin was equally great with that resulting from the failure of Overend and Gurney, no prosecution had been undertaken by the Government. He might say he had heard during the day, from a gentleman well acquainted with the case, that the prosecution would be proceeded with.

Mr. GLADSTONE: Sir, I am very glad to hear upon the high authority of the hon. Member who has just sat down —and upon questions of this kind there could be few higher—that there is great likelihood the prosecution may proceed, notwithstanding the decision at which the Government have arrived. That statement mnst have been heard with satisfaction in all parts of the House, and not least by my hon. Friend the Member for East Surrey (Mr. Buxton) who, in all the expressions of sympathy he used towards the members of the late firm was felt by the House to be discharging a duty in every way appropriate and graceful for him to undertake. The question is, as the hon. Baronet the Member for Droitwich (Sir John Pakington) says, one of very great importance, and I trust the House will even at this hour listen with patience to the considerations I am anxious to lay before it. The Government, whatever they have done, have not acted lightly or unadvisedly, or without a strong conviction. I must own, in passing, that the strong and positive assertions of the right hon. Baronet the Member for Droitwich appear to me to be a little out of place, when we consider that it is admitted on all hands that the proper time for undertaking these affairs on the part of the Government is at the earliest stage of the proceedings, which happened in the present case when the right hon. Baronet was a Member of the Government. The first difficulty I feel is the form of the Motion in which my hon. Friend invites the House to do that which it has an undoubted right to do—namely, to interfere with the discretion of the Executive Government in the discharge of its executive functions and with respect to the administration of justice. No doubt the House has a perfect right to take that proceeding if it pleases; but it is at the same time an extreme right—a right, I mean, which the House on the rarest possible occasions even dreams of exercising. And when the House finds occasion for exercising such a right, what I think is obviously according to the dictates of Parliamentary justice and of the public interest is, that the Government should have clearly before it the Motion by which it is intended or desired to override their discretion, and that they should have the power not only of representing in speech the views they may take of the Motion, but the power also of amending the Motion and proposing to the House to substitute some other issue. But this is how we stand — Notice of a Motion having been given by my hon. Friend the Member for Windsor (Mr. Eykyn), which the forms of the House unhappily prevented him from moving, the hon. Member for Brighton (Mr. Fawcett) who acts with him, has substituted a Motion for the adjournment of the House, and he announced in his speech that he should consider the carrying of that Motion as equivalent to a distinct direction to the Government to institute this prosecution. I regard that as a very great aggravation of the difficulties of the case, and I am bound to say it is due not to the Government as individuals, but to the Offices they hold that they should enjoy the usual and ordinary freedom of seeking to vary the terms of Motions to which they object. As at present advised I do not very well see how it would be possible for us to waive the judgment at which we had arrived, and to take a course opposed in our opinions to the public interest and the clearest dictates of expediency. The difficulty is still further increased by other circumstances of the case. With regard to the precedent of 1857, I cannot admit its authority. It has not been followed up, and it appears to me to have been a most questionable conclusion that was then arrived at. I claim the right to review the precedent, and to ask the House to consider this very grave question upon its merits. The general rule which charges the expenditure of criminal prosecutions upon the public does not ordinarily apply to frauds, and we are therefore now called upon to make an exception. What I want to ask the House to consider is, if exceptions are to be made—apart from the question of a public prosecutor, on which at present I give no opinion—what are the grounds upon which such an exception is to be based? I must say, before proceeding, that I impute no motives to the Mover, Seconder, or supporters of the Motion before the House other than a desire to see justice done. To proceed—One of the grounds on which such an exception as the present would be claimed would be sure to be the moral enormity of the offence committed by the supposed and imputed delinquents. That certainly cannot be alleged in the present instance without an inconsistency into which I am sure the House would not wish to fall, whatever be said as to the magnitude of the ruin and the amount of the scandal. I apprehend there can be no doubt at all—even without entering upon the more sanguine and charitable view we must all hope will ultimately be realized—there can be no doubt that cases of a far darker and far different complexion in commercial morality have been before our eyes and blazoned to the world year by year in this country without any call for interference on the part of the Government. It is not, therefore, for the vindication of public morality that you interfere, for you cannot give a more questionable place to public morality in your proceedings than by interfering with the arm of authority for the purpose of branding milder forms of offence while you leave the graver forms of guilt to pass unquestioned. A most important element in the case is the certainty of result when you call upon the public exceptionally to interfere—I mean the certainty, or the probability, of a favourable result. Even were you to establish a public prosecutor you could not call upon him to undertake everybody's case without first examining rigidly into its first inception, and inquiring whether there is a fair probability of his proving the justice of the case to the satisfaction of the Court. It is perfectly evident that nothing could more rapidly damage and destroy the authority of the Crown than its ill-advised exposure of doubtful cases to the conflict with arguments of greater authority, and the consequent failure of cases to which its dignity had been committed. The duty of a public prosecutor or Crown prosecutor clearly is to examine into all matters *ab initio*, and make up his mind upon it before taking a single step to commit the Government; and it becomes almost impossible that that duty can be rightly performed when once proceedings have reach a certain stage. But what is the case as it stands now? There is a Motion before us which we are told to read like a palimpsest under a recent writing. We are told under a Motion for adjournment to read a Motion of my hon. Friend the Member for Windsor (Mr. Eykyn), which closes by saying that the case is to be conducted by the Law Officers of the Crown—my hon. and learned Friend the Attorney General, and my hon. and learned Friend the Solicitor General. That might have been all very well if done at the proper time; but at the present moment it so happens that the defendants being anxious, and very naturally anxious, to secure the advocacy of my hon. and learned Friend the Solicitor General in his capacity as a private practitioner at the bar, he has, I believe, for months past been engaged on their side in this case, and will be bound to appear for them, notwithstanding any Motion which directs that he as counsel for the Crown shall assist in conducting this prosecution. ["Hear, hear!"] What I mean is not to use any exaggeration, but to convey the exact and literal meaning of the Motion. It is not possible for the Government to depart from their judgment in obedience to a presumed and undefined opinion of the House; all they can offer is that, when that opinion is expressed, it shall be taken into their most respectful consideration. But what is now proposed is that, without any judgment as to the propriety of the prosecution, without any power of examination as to the probability of a sucessful issue, my hon. and learned Friends, on the part of the Crown, shall rush into the midst, and charge the State with the responsibility of all that has been done and all that remains to be done. So much with regard to the probability of a favourable result. I now come to a third ground for exceptional interference, which is one of very great plausibility. It is said that the case where interference takes place should be one in which the parties are poor, and destitute of means to vindicate their interests. But is that applicable in the present case? The fourth and great ground alleged is that the interference of the Crown is desirable because of the magnitude of the case. What does magnitude mean? It means that the scale of the transactions was enormous, for the figures were counted almost by tens of millions; and, further, it means that whilst a large portion of the suffering shareholders may be persons of small or moderate means, a large portion of them also are persons of great and almost unlimited wealth. I do not think you can name a case where there has been imputed commercial delinquency, and a body of sufferers by the delinquency, in which those sufferers were so unquestionably possessed of ample resources for the vindication of their rights. This is a consideration of the greatest importance. The hon. Member for King's County (Sir Patrick O'Brien) calls on us to interfere on behalf of poor persons who have lost their money; but if we are to interfere on behalf of the poor, this is not a case in which we ought to interfere. There are multitudes of cases in the private walks of honourable commerce where a man is stripped, through the delinquency of others, of every farthing he possesses, and has not the means of invoking public justice. There are multitudes of other cases in which you have the principle of joint-stock liability, but the whole body of shareholders are persons of such humble means that they would not increase their strength if they were to club together those means for the purpose of vindicating their rights. But here it is an undoubted fact that there are a number of shareholders perfectly able, if they think fit, to vindicate the interests of themselves and their fellow-shareholders. They do not choose to do it; and a proposition is made that the Government should step into the places of those wealthy persons, and seek for them that redress which they are able, but not willing, to seek for themselves. I wish in the most dispassionate manner to join issue on the question of the moral result which is to be attained by our undertaking—I do not say at the present stage of the proceeding, for that is another matter—but our undertaking at all the conduct of this prosecution. My hon. Friend has a moral good in view, and wants to remove a scandal and a disgrace. It is my opinion that in all these cases of the administration of justice, the same rule ought to be adopted as in determining the punishment of crime. When we have a case of enormous guilt, we do not attempt to proportion our punishment to the guilt; what we look solely at is the effect upon the future—it is our business to deter and repress crime. Now, what would be the effect on the future prudence and self-restraint of a generation too greedy of money and too ready to adopt one of the most doubtful means of making money—that of placing their investments in concerns of which they know nothing at all, with the view of making large and easy gains, of reaping the fruits of industry without its toil—what would be the effect if you said to all the class of persons who have such views, "Despise the rules of prudence and duty, whereby patient toil and frugal habits may see the rewards of labour growing up around them and reap the fruits they deserve; look only to the best prospectuses and try the utmost limit of speculation without caring whether you know anything about it at all; the advertisement will stand instead of funds. Great and noble names, which Englishmen are only too fond of seeing, will stand to you instead of commercial knowledge, experience and skill; and you will have this advantage over your humble and obscure competitors in the race for wealth who carry on a regular trade—that if they fail they must take the consequences, but you, if you fail, will fall with a tragic splendour; the whole nation will feel the shock, and the attention of Parliament will be roused by the magnitude of the transactions—benevolent men in the House of Commons will be excited to make Motions invoking for you the assistance of the State; and for your neglect of the rules of prudence, and your hasty and unrestrained indulgence of the pursuit of gain, you will receive the exceptional favour of the State, and the British taxpayer will be at the expense of carrying your cause to a successful conclusion?"

MR. R. N. FOWLER said, he was acquainted with four of the persons to be prosecuted. One of them, long a Member for King's Lynn, was one of his oldest friends, and, having called him his friend in prosperity, he should be ashamed not to do so now, believing in his honour. However much the directors might have been mistaken, he felt sure they never intended to commit a fraud on the public, and that the result of the trial would vindicate their character.

MR. MORRISON said, the hon. Member for Brighton (Mr. Fawcett) was not responsible for the form the Motion had taken. He should vote for the Motion of the hon. Member if it went to a division, because he wished to express his censure, not only of the present Government, but of past Governments also. He had come down to vote with the hon. Member for Windsor (Mr. Eykyn) to which he felt impelled by a sense of duty. He must respectfully submit that the concluding remarks of the First Lord of the Treasury had very little direct bearing on the present question. The question had come round to a very small point—whether, owing to a technical rule of practice in the Queen's Bench there should be to-morrow an absolute failure of justice? It would be very unseemly in any way to discuss the question of guilt or innocence. He most honestly inclined to believe that there was weakness rather than guilt in the directors; but, if the trial should break down in consequence of the absence of counsel, those gentlemen would have no reason to congratulate themselves on a verdict of "Not proven." He believed it was not correct to say that Government had never intervened in a prosecution started by a private individual, as they had intervened in the trial of Palmer for poisoning Cooke.

MR. CLAY said, he was certainly not about to prejudge the case; but he could not allow that debate to close without expressing his opinion that the course of the debate tended to show a triumph of commercial delinquency. If it should be proved that that had been done which was currently reported, he thought they could hardly share in the indignation expressed at the poor men who had been deceived. The right hon. Gentleman said if men would desert quiet and unostentatious industry—if they would seek a higher road to wealth by indolence and avarice, we could have no pity for them. ["No!"] He should be exceedingly happy to learn that he had placed a wrong interpretation on the language of the right hon. Gentleman the First Lord of the Treasury. He certainly should have expected that the indignation expressed would have been at the guilt which might be proved, although he hoped it might not be so. The folly of the poor men who had been deceived was that they believed in the word and prospectus of those whom they considered men of honour.

MR. MUNTZ said, they were not there to try the directors, but to discuss whether Government ought to take up this prosecution and pay a private solicitor to carry it on. He entirely agreed with the Attorney General and the hon. Member for Coventry (Mr. Staveley Hill) that if the Government should have taken up the prosecution, they ought to have done so at the beginning. He was not prejudging the case, but, however bad the case might be, it was too late for the Government to undertake the prosecution. He must give credit to the right hon. Gentleman the First Lord of the Treasury for the remarks he had made; for it was well known so wealthy was this concern only five years ago that few hon. Members would have declined to take shares when they stood at £12 per cent premium. Why, he himself had been ridiculed because he would have nothing to do with it. At that very time and afterwards savings' banks were failing, by which poor men lost every shilling; but who came forward to invoke a prosecution by the Government? This was a limited liability concern; but do not let them find fault with limited liability, but rather with the unlimited fools that took shares in businesses of which they knew nothing. He should not vote for the Adjournment, or for the Motion of the hon. Member for Windsor. It was no reason they should do wrong because others had neglected to do what was right. He hoped the hon. Member for Brighton (Mr. Fawcett) would withdraw his Motion.

Mr. FAWCETT said, as he had taken a somewhat exceptional course, perhaps the House would allow him to explain.

Mr. SPEAKER said, the hon. Member could only be heard if he wished to explain his grounds for desiring to withdraw his Motion.

Whereupon Motion made, and Question, "That this House do now adjourn,"—(*Mr. Fawcett,*)—put, and *negatived.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

Question put and *agreed to.*

Supply *considered* in Committee:

Committee report Progress; to sit again *To-morrow.*

### COVENTRY ELECTION.

Mr. BOUVERIE moved that the Petition of Charles Flint and others, relating to the Coventry Election Petition Inquiry, be printed with the Votes.

Mr. RUSSELL GURNEY said, he thought that there was no occasion to have the Petition printed with the Votes. The Petition was printed, but there were blanks for certain names which could be filled up.

Motion made, and Question,

"That the Petition of Charles Flint and others [presented 10th June] relating to the Coventry Election Petition Inquiry, be printed with the Votes,"—(*Mr. Bouverie,*)

—put, and *negatived.*

### LOCAL GOVERNMENT SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to confirm certain Provisional Orders under the Local Government Act (1858), relating to the districts of Aberystwith, Ashton under Lyne, Bath, Cleckheaton, Crompton, Newport (Monmouthshire), Reading, Southport, Stalybridge, and Weston super Mare; and for other purposes relative to the district of Gorleston and Southdown, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 192.]

### TURNPIKE ACTS CONTINUANCE, &C. BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further provisions concerning Turnpike Roads, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 191.]

### FISHERIES (IRELAND) BILL.

On Motion of Mr. Chichester Fortescue, Bill to amend the Laws relating to the Fisheries of Ireland, *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Attorney General for Ireland.

Bill *presented,* and read the first time. [Bill 190.]

### LAND TAX LAW AMENDMENT, &C. BILL.

On Motion of Mr. Chancellor of the Exchequer, Bill to amend the Laws relating to Land Tax, and to repeal certain Duties on Offices and Pensions, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Ayrton.

Bill *presented,* and read the first time. [Bill 188.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Friday, 2nd July,* 1869.

MINUTES.]—Public Bills—*First Reading*—Imprisonment for Debt* (168); Debts of Deceased Persons* (169).

*Second Reading*—Titles to Religious Congregations Act Extension* (130).

*Committee*—Irish Church (109), *debate adjourned.*

*Report*—Public Parks (Ireland)* (131).

### NEW PEER.

Lord Rollo of that part of the United Kingdom called Scotland, having been created Baron Dunning of the United Kingdom—Was (in the usual manner) introduced.

### IRISH CHURCH BILL.—(No. 109.)

(*The Earl Granville.*)

### COMMITTEE.

House again in Committee (according to Order).

Clause 24 (Building charge to be paid on commutation of annuity) *agreed to.*

Clause 25 (Enactments with respect to churches).

LORD DUNSANY said, that the clause disposed of all churches in Ireland, whether in use or ruinous. It provided, amongst other things, that—

> "Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said church within the said prescribed period, and such church was erected at the private expense of any person, the commissioners shall, on the application of the person who erected such church, if alive, or of his representatives if he died since the year one thousand eight hundred, by order vest such church in the applicant or applicants, or in such person or persons, as he or they may direct."

Now, he wished to propose, the omission of the words "if he died since the year 1800;" for he could not see why such a limitation should be imposed, or why a church built by a person who died in 1799 should be dealt with differently from one the founder of which survived a year or two longer. He thought, moreover, that the Bill contained no provision for churches in course of repair or re-construction, and he presumed that, under the 4th sub-section, the Commissioners could dispose of them as they thought fit.

Amendment *moved*, line 28, to leave out ("if he died since the year one thousand eight hundred.")—(*Lord Dunsany.*)

EARL GRANVILLE said, a limitation of time must necessarily be somewhat arbitrary; but he thought the date selected was a very fair arrangement, and to go much further back would lead to great difficulty in the way of ascertaining facts. He did not quite understand the noble Lord's objection to the 4th sub-section.

LORD DUNSANY explained that he feared the Commissioners would be unable in strict law to treat churches undergoing repair or re-construction as churches in actual use.

LORD CAIRNS believed that in the original Bill the 3rd sub-section was limited to cases where persons had died within twenty years, but the extension of time to 1800 was afterwards conceded; and, unless his noble Friend had reason to think that there were some particular churches which might be unfairly dealt with, he thought the present arrangement was satisfactory.

Amendment, by leave of the Committee, *withdrawn.*

Amendment made, line 38, after ("therewith") insert ("together with any land occupied with such school-house.")—(*Lord Cairns.*)

Amendment *agreed to.*

THE DUKE OF SOMERSET asked whether a provision was not necessary for applying to secular purposes consecrated buildings not claimed by the Church Body?

THE LORD CHANCELLOR said, there was no difficulty on this point; the Bank of England stood on the site of a church, and a great many churches had been pulled down for the construction of railways.

THE ARCHBISHOP OF CANTERBURY said, that in those cases application was made to the Bishop for his consent to the removal of a church.

EARL NELSON said, he hoped that, on the Report, a provision would be inserted in this clause for capitalizing the first fruits and deducting them from the commutation, to which the clergy were said to be favourable. This fund might be applied to keeping cathedrals and churches in repair.

THE EARL OF KIMBERLEY said, as the Bill was originally drawn, provision was made for the repair of cathedrals, and the churches that were specified in the Bill. But that provision was agreeable to neither party in Ireland. The Protestants objected to it, because they said these edifices might be regarded in some manner as not belonging to the Protestant Church, and might be given hereafter to the Roman Catholics. The Roman Catholics objected, because they said the provision was a relic of endowment. For these reasons the Government withdrew the clause.

Clause, as amended, *agreed to.*

Clause 26 (Enactments with respect to burial-grounds).

LORD CAIRNS moved, in line 9, after ("thereto") leave out ("but not separated therefrom by any public highway"). The clause proposed that a burial-ground annexed or adjacent to a church should continue under Church management, subject to the rights of all parties; but in many cases a church had been re-built at a short distance from the burial-ground, and separated from it by a highway. The burial-ground ought surely to remain with the

Church Body, irrespective of this circumstance.

The Earl of KIMBERLEY said, the Bill proposed that a burial-ground surrounding a church should be vested in the Church Body; but, in other cases, it was thought better for the general interests of the Irish population that the burial-ground should be separated from the control of the Church Body, and vested in the Poor Law Guardians. An Act was passed last year, of which he took charge in this House, which prevented clergymen from obstructing the interment of Roman Catholics and Dissenters; but, although this was necessary in order to prevent disturbances, such legislation was of an exceptional kind, and it would be better to place burial-grounds separated from churches under a distinct authority.

The Marquess of CLANRICARDE doubted whether the guardians would possess sufficient powers. Many burial-grounds were formerly attached to monasteries and convents, and had never been connected with churches; but though the interment of persons of all communions was allowed, disputes often arose. He knew a case where a gentleman, having one of these burial-grounds on his property, refused access to it for the interment of the member of a family with which he was on unfriendly terms; nor was this a solitary occurrence. Would the guardians, under such circumstances, have power to enforce access?

Lord CAIRNS said, his objection had not been met by the reply of the noble Earl. Why should a burial-ground, accidentally separated from the church by a public highway, be handed over to guardians, not one of whom might be an attendant at the church?

Earl GRANVILLE remarked, that the Board of Guardians represented rate-payers of all denominations, and that all had the right of interment. The compromise proposed by the Bill was in the interest of the Church, a claim having been made that all these burial-grounds without distinction should be handed over to the guardians. It was useless to make Amendments, to be struck out in the other House.

The Duke of MARLBOROUGH said, he hoped the Government would accept the Amendment. A footpath often crossed a burial-ground, and under this clause that part which lay on one side of the path would belong to the church, and the other part to the guardians.

Earl DE GREY said, he thought a sufficient concession had been made in allowing burial-grounds which were not separated from the church to be vested in the Church Body.

Lord CAIRNS said, he would withdraw his Amendment, not wishing to divide on so small a point, and hoping that the Government would re-consider the question. Although the concession had not been made, he would endeavour to return good for evil by pointing out the absence of a nominative in line 18.

The verbal defect pointed out by the noble and learned Lord having been supplied,

Lord DUNSANY suggested that something might be done in the case of burial-grounds situated in the centre of gentlemen's parks, so as to avoid annoyances which might arise from their being vested in the Boards of Guardians.

The Earl of KIMBERLEY said, he would consider, before the Report, whether any provision was necessary to meet the contingency.

The Bishop of PETERBOROUGH said, having conferred with the noble Earl (Earl Granville), he would defer until the Report two Amendments, one vesting the custody of interesting ruins in the Board of Works, instead of in the Poor Law Guardians; and the other relating to buildings licensed for Divine service other than churches.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 27 (Enactments with respect to ecclesiastical residences).

The Duke of CLEVELAND, who had given notice of an Amendment said, : My Lords, I feel it necessary to make a short statement *in limine* of the course I propose to take. It has been urged upon me by one or two noble Lords on the opposite side of the House that, though I am entitled to precedence, yet, the principle of my Amendment being identical with that given notice of by the noble Marquess (the Marquess of Salisbury), I should waive that right in his favour, so far as regards the first part of the Amendment, and should subsequently undertake the second portion of it. In requesting me to do so they acted, I presume, on the principle "*Timeo Danaos et dona ferentes*," thinking that I am more connected with the Liberal side. I intend to move the second portion as part and parcel of the whole Amendment, and I regard the one as contingent on the other. My only reason for leaving the first portion of it, which in my opinion is entirely founded on justice and expediency, is, that it will be more elaborately developed by the noble Marquess, who is more particularly connected with the opposite side of the House. I wish it to be distinctly understood that I regard the two parts as a continuous whole, and that I will be no party to the one unless the other is granted. If both are adopted they are consistent with the principle of the Bill; but if only one were adopted it would be inconsistent with that principle, and I am convinced that there is no chance of the acceptance of the first portion by the other House, unless we join with it the second portion which I shall subsequently propose to the Committee.

EARL STANHOPE: I beg also to be permitted to state the course which I shall adopt with regard to the Amendment on this clause which stands upon the Paper in my name. My sole reason for moving in this matter at all was because I, and some Peers with whom I have the honour of acting, took great exception to the form of words placed upon the table by my noble Relative the noble Duke opposite (the Duke of Cleveland). We felt that as the Amendment stands first in his name and in the terms in which it was expressed we should scarcely be able to support it; and I, therefore, acting under the suggestion of my Friends, placed upon the Paper an Amendment giving better expression to our particular views. But as I now find, to my great satisfaction, that my noble Relative does not intend to proceed with the first part of his Amendment, but will substantially adopt that of the noble Marquess near me (the Marquess of Salisbury), I shall withdraw the Amendment which I have placed upon the Paper, and shall give my cordial support to my noble Relative.

THE MARQUESS OF SALISBURY then rose for the purpose of moving his Amendment, the effect of which was to give the glebe houses to the Church free of charge. He said: My Lords, I thoroughly appreciate the courtesy of the noble Duke (the Duke of Cleveland) in giving way to me on the present occasion. I can assure you, however, that I was not one of the Peers who pressed upon him the desirability of doing so. [*A laugh.*] The noble Earl (Earl Granville), judging from his laughter, seems to see something very wicked in my simple statement; but I can assure him that all I meant to convey was that I should much rather have seen this Amendment in the hands of the noble Duke, who, I feel sure, would have done more justice to it. In the few words which the noble Duke saw fit to address to your Lordships, he seemed to hint at some development which the subject was to receive from my treatment, and in saying that he may have frightened your notions with the belief that I was about to inflict upon you an elaborate speech. I assure your Lordships that you need entertain no apprehensions on that score. My Amendment is a very simple one, and I hope to be able to lay before you the grounds upon which I rest it in a very few words. All that I ask of you is to give to the Church Body the glebe houses at present inhabited by the clergymen of the Established Church, without the onerous conditions which have been imposed by Her Majesty's Government. Under the Bill these glebe houses may be divided into two classes. First of all there are those which have no building charge, and, secondly, there are those which have a building charge. With respect to those which have none the Bill requires that the Church Body should pay ten years' purchase of the land on which these glebe houses stand, estimated according to the value of the land. Now, the first observation which I have to make upon that provision is that it is extremely and even dangerously ambiguous. It appears to me to bequeath to the future Church Body not only a heavy charge for payment, but also the prospect of heavy litigation. I am quite aware that questions arising out of clauses like the one under discussion are to be settled by arbitration; but I have no hesitation in saying that all those who have had experience of that mode of settling disputes will agree with me when I say that, after the Court of Chancery, the next great evil which can befal a man is to get into an arbitration. To my mind the chief ambiguity of the clause rests upon the word "land." We are told in the other House of Parliament that the meaning of that is building land; but it ought to be remembered that statutes are not interpreted by Parliamentary debates, but by the exact meaning of the words contained in them. It is obvious that there is nothing in the world which ought to exclude the interpretation of building land from it. Moreover, it is obvious that if they are to pay ten years' purchase on the land as building land, they will have to pay a great deal more for the value of the glebe house than if the land were not building land. Then, again, further ambiguities may arise in connection with this word land embraced in the clause. If the land is not building land, does it cover coal? and if so, are the Commissioners to purchase the coal? What are we to understand by ten years' purchase of coal? Again, if it is merely agricultural land, perplexities will arise. Some land of this description pays £6 an acre, and some only 5*s*. Which of these extremes is to be adopted? Or are the purchasers to knock down the buildings and plough up the land so as to ascertain its value? Or by what means are they to ascertain it? The clause is, I maintain, as ambiguous as it could possibly be made, and upon that ground alone it would be unworthy of your Lordships' acceptance. But I contend that on the strictest principles of the Bill itself this land could only be charged for at all upon the buyer's price of mere waste land. There is no ground for charging it with any other value. If the land in its immediate neighbourhood has acquired any greater value, it has acquired it not through any action taken by the State, but through the industry of successive generations of clergymen. Nothing, I think, could be harder than to say that a thrifty man with thrifty predecessors shall pay a penalty for that thrift. We hear a great deal about improvements and the necessity of compensating them in Ireland, but this is the first proposal we have heard that those who have made improvements shall be by law punished for those improvements. I now come to the other and much larger class of parsonage houses—namely, those upon which a building charge remains. These, I fear, form a very much larger class, because I think we were told in "another place" that the value of the parsonage houses was £18,000 a year, whereas the debt upon them was £250,000. Now, if the value be £18,000 a year, it is obvious, according to the present price of land and building land in Ireland, that it will not fall very short of the ultimate value of the parsonage houses. Therefore I think the parsonage houses come within the category of those who have a building charge upon them. Well these represent the thrift of the poor clergy. Some clergymen, anxious to have good parsonages to their livings, paid during their lifetime, out of their own revenues, a heavy payment in order to insure the building of good houses; and they obtained Acts of Parliament to charge their successors also. That is what this building charge represents in the Bill. Well these subscriptions of the poor clergymen are essentially of the nature of private endowments, and you have no right to confiscate them. If you do you confiscate contributions to which you have no right whatever. Certain men have subscribed their money upon a certain understanding; you make out the contract entirely in your favour; and you confiscate the very property which has been built out of their revenues. I therefore maintain that, proceeding upon the bare principles of justice contained within the four corners of the Bill, you ought to accept my Amendment. But, my Lords, I have a still stronger case to make out in my favour—I have the pledges of Her Majesty's Government upon the subject, confirmed by the verdict of the country. We have often had that verdict cited to us for our guidance, and I myself shall now take the liberty of citing it. We can only know what Her Majesty's Government really said by knowing what was the question proposed by them, and we can only know the question proposed by looking at the speeches that were made. When I talk of speeches, I, of course, refer to those which were made before the election by those who are now among the most eminent Ministers of the Crown. I do not care for the speeches which were made after the election, as they do not bear in the same manner upon the case; although I may say, whilst upon this point, that the speech which the Privy Seal (the Earl of Kimberley) made last night was one that he would not have dared to make before the last election; and if that very remarkable change of tone in the language of the noble Duke (the Duke of Argyll) which we were witnesses to last night had manifested itself before the verdict of the country, which he and his party were challenging, had been given he would have been restrained by his more prudent friends. In order to arrive at a sound conclusion on this point we must go back to the promise which was made before the verdict was given, and not to the interpretation of the promise given when the desired result was achieved. The other night the noble Duke was pleased to get out of a dilemma, caused by certain language which he had used, by saying that we had attributed a great deal too much importance to his words. I have no intention of wounding the bashfulness of the noble Duke by quoting his words again, but in excusing himself as he did he very much underrated the position which he occupied last year, and which he now occupies. The noble Duke has long been known as one of the ablest leaders of the party with which he acts; he is known as the friend of the present Prime Minister, and he was known as one of those who framed the famous Resolutions upon which the verdict of the country was to be taken. Consequently any words uttered by him at the time the Resolutions were being discussed must be taken as part of the issue submitted to the country in order to obtain its verdict. The noble Duke then said—

> "Under the scheme sketched by Mr. Gladstone, the Church is to be left in possession of the churches and parsonages, and of some land adjacent."—[3 *Hansard*, cxciii. 174.]

Such was the language made use of by the noble Duke previous to the elections. But I shall not confine myself to him, but will cite also the instance of another Member of the present Government. I suppose there is no doubt about the position occupied by Mr. Bright upon this question before the election. And with that right hon. Gentleman, as with the noble Duke, we have the satisfaction of dealing with a man who does not ordinarily practice unnecessary reticence, and therefore we need have no difficulty in learning really what he meant. On the 13th of March, last year, Mr. Bright said—

> "Now, if I were asked to give my advice—and if I am not asked I shall give it—I should propose that where there are congregations in Ireland—and I am speaking now, of course, of the present Established Church—who would undertake to keep in repair the church in which they have been accustomed to worship, and the parsonage house in which their minister lives, Parliament should leave them in the possession of their churches and their parsonage houses."—[3 *Hansard*, cxc. 1659.]

Now, Mr. Bright made that promise under the impression that there was to be a demand for concurrent endowment, and that what was to be given to the Church should also be given to others; but, deferring the full consideration of this part of the question until it is before the Committee, I wish to show now that the two things are perfectly independent, and that they were independent in the mind of Mr. Bright, for he went on to say—

> "All State connection would be entirely abolished. You would then have all sects on an equality. The Protestants would have their churches and parsonage houses, as they have now; but the repairs of them and the support of their ministers, would be provided by their congregations, or by such an organization as they choose to form. The Catholics would provide, as they have hitherto done so meritoriously, and with such wonderful generosity, for themselves."—[*Ibid.*]

It is obvious from this that when Mr. Bright made the promise I have referred to with respect to the parsonage houses, he never dreamt of making concessions to the other denominations. I do not, of course, in saying this, wish to be understood as expressing any objection to giving compensation to the whole of the denominations. Mr. Bright made one other observation, not bearing strictly upon the parsonage houses, but which bears upon all the Amendments that have been submitted, and which I would earnestly press upon the attention of the Ministers of the Crown. He said—

> "If this question ever comes to be dealt with by a great and powerful Minister, let it be dealt with in a great and generous spirit.—[*Ibid.* 1662.]

My Lords, I cannot explain how it has come to pass that a measure conceived with these lofty and generous impulses has sunk down into a measure which Shylock himself might envy. I am utterly unable to understand it. I can only conceive that some such process has been adopted by the Government with respect to the Irish Church, as was adopted by the Triumvirs of old with respect to their friends. The Triumvirs found themselves quite unable to agree upon any plan for dealing with their friends, but at last they hit upon the happy expedient of allowing each other to kill as many of his colleagues' friends as he liked. The Irish Church, I presume, has been submitted to some such process. Each Member of the Cabinet has been allowed to obliterate from the Government scheme what portion he pleased, and I am sure that, after the Bill had passed round, it must have been the most mercenary and avaricious of all the Ministers—I will not say who that was—who cut off these glebe houses from the remnant of her possessions left to the Irish Church. In the same debate to which I have already referred, Mr. Gladstone himself said—

> "I entirely agree with my hon. Friend the Member for Birmingham (Mr. Bright) in what I understood to be the purport of his speech, as to the mode of effecting this great operation. We must, in my opinion, respect every vested interest, every proprietary right, every legitimate feeling, and, in every case of doubt that arises, we must honestly endeavour to strike a balance in favour of the other party and against ourselves. The operation is rude enough after all: the mitigation which we can impart to it by the spirit in which we may endeavour to approach it."—[*Ibid.* 1767.]

I will not detain your Lordships longer. I have only, in the first place, to ask the Government to consider the reason of the case; and, secondly, to abide by their own pledges. I have only to say that if they do not abide by those pledges, given before the verdict of this country was asked, they have no claim to come to this House and ask us to acquiesce in that verdict.

Amendment *moved*, line 33, to leave out from ("therein") to the end of the clause.—(*The Marquess of Salisbury.*)

EARL GRANVILLE: The noble Marquess was good enough to interpret my notice of his opening statement as an indication that I saw something wicked in his remark; I am sure nothing of the sort was passing in my mind, but I must confess to the impression that some arrangement had been made which was evidently distasteful to the noble Duke (the Duke of Cleveland), and with which the noble Marquess was evidently anxious to disclaim having had anything to do; and I think it just possible that some active Member of your Lordships' House may have undertaken to manipulate the Amendment in such a way as to secure the greatest number of votes from both sides of the House. It is unnecessary for me to go into the question of the difficulty of valuing the land so ingeniously put by the noble Marquess. I would leave it to the common sense of your Lordships to say whether, under the clauses of this Bill, men of great eminence in different ways would have the slightest difficulty in coming to a fair valuation of the sites of these parsonage houses. Should the clause as it stands in the Bill be passed, I shall be surprised if even a single case for arbitration were to arise owing to the decision of the Commissioners with respect to the value of the land. The noble Marquess has told us that what the Bill proposes to do is in direct opposition to the pledges which we gave when we were in Opposition. That is, however, a very incorrect way of stating the case. However eminent particular persons may be, certainly no declaration of theirs as individuals can overrule the declaration of a united Government afterwards constructed, and of which they happen to form a part; and the noble Marquess evidently understands the language of the Government now—the language, for instance, about the Bill of Pains and Penalties which the noble Earl near me (the Earl of Kimberley) made use of last night—as applicable to the whole character of the measure, whereas it was only in answer to one particular argument of the right rev. Prelate (the Bishop of Peterborough). The noble Marquess showed the inconsistency of his argument by reading a passage in which Mr. Gladstone, being in Opposition last year, before the verdict of the country was actually passed, stated that it must necessarily be "a rude measure" as regards the Irish Church. It was not a necessary part of the disestablishment and disendowment of the Irish Church that the houses of the clergy should be given to them for nothing, any more than was that plan of Mr. Miall's which the noble Earl (the Earl of Harrowby) nearly persuaded some of your Lordships was identical with the Bill before us. There certainly was a hope expressed that these houses should be given; but that hope was expressed in ignorance of the most important fact that since the Union £250,000 had been given to the Irish Church for these parsonage houses, and this sum was made up of an actual grant, and £150,000 the remission of interest on loans. The plan of the Government does nothing more. It will come exactly to the same thing if the building charges with respect to these houses were put upon the clergy, instead of adopting the plan now proposed. I do believe my noble Friend will gain nothing by the bargain, putting entirely aside the £250,000 that was granted. I think that this vast sum may and must be repaid; and it would have been a dereliction of duty if, when the Government came to consider what was right, and to apply the principle of equity with regard to other persons, they had entirely ignored what they found out for the first time, and had made no difference whatever in consequence of that discovery. I believe the arrangement, as proposed in the Bill, will prove highly advantageous to the clergy. There is at present a building charge upon the houses of £130,000 for repairs, but the clergy will be allowed to have them for the mere market value of the land on which they stand. Therefore, I think the illustration derived from Shakespeare with regard to the usurious character of this arrangement is exceedingly exaggerated, and not fair. I would follow the example of the noble Marquess in not making a long speech upon this occasion, for, as the Amendment of the noble Duke (the Duke of Cleveland) is to come afterwards, we shall all of us, doubtless, have an opportunity of making speeches on it. I would only declare on the part of the Government that they cannot assent to the Amendment which the noble Marquess has proposed.

Lord CAIRNS: I am anxious to offer a few observations upon this subject; and lest there should be any misconception based upon what fell from the noble Duke opposite (the Duke of Cleveland), I desire to make one explanation. The noble Duke said he was anxious that the Amendment moved by my noble Friend (the Marquess of Salisbury), dealing with the glebe houses of the clergy of the Church of Ireland, should come first in point of order. He said he was prepared to consider it, and he looked upon it and the Amendment which he is afterwards to propose, going in the direction of what is termed comparative and sometimes indiscriminate endowment as part of one whole, and for his part he was prepared to support the present Amendment, for retaining the houses only upon the terms of which he has given notice as to their future maintenance. Lest there should be any misconception, I would say I do not intend to support this Amendment on these grounds. I desire to keep the two quite distinct. I shall vote for this, and I think I can satisfy your Lordships it is thoroughly just, even if the other were not to be proposed. When the proper time arrives I shall ask permission to offer reasons why I cannot support the Amendment of the noble Duke. Let me state to your Lordships what is the present question before us. It does not deal with the glebe lands of a parish, it deals simply and entirely with the houses and the curtilages attached to them. As to the glebes, the provision of this Bill is that if the future and reconstructed Church of Ireland wants glebes of from ten to thirty acres it must pay for them at the market price of the land. It is important, therefore, that we should keep in view this distinction between the question of houses and glebes. Now, with regard to the first question, I wish to direct your Lordships' attention to this point. What are these houses, when were they built, what is their history? It happens that we have precise information on this point. A large number, by far the majority, of these houses have been built since the Union. In 1800 there were only 295 glebe houses in Ireland, and now there are 980. We find that since 1833 enormous sums of money, which the Ecclesiastical Commissioners have been able to trace the greater part of, have been spent upon the building and repairing of these houses by the clergymen out of their incomes, and that if they have borrowed for that purpose from the public funds, with an exception, which I will afterwards mention, the whole has been repaid. The whole amount so spent has been £1,200,000, and that is quite distinct from the grant the noble Earl (Earl Granville) spoke of. The money was derived in the first instance from the income of the clergymen, which they might have spent otherwise, but which they chose to spend in the erection and repair of their houses. And now let me say one word about the value of the land. The noble Marquess put the question how they proposed to estimate the value of the land on which the houses stood. I listened with great anxiety to the speech of the noble Earl on this point, in order to know how the problem was to be solved. But did the noble Earl give us any information? None whatever. He said the valuation was so easy that there could be no doubt whatever how it was to be done. But, my Lords, I venture to say that this problem can only be solved in one of two ways. Either the land on which the house is built must be valued as so much waste or barren land, utterly unproductive—in which case it is worth nothing—or it must be valued as part of the large glebe by which it is surrounded—you will take the value of the surrounding glebe as your estimate. But what is that surrounding glebe? It is land which has been occupied by clergyman after clergyman from time immemorial; from time immemorial it has been improved by clergyman after clergyman out of their own resources, and in consequence of the value they have thus imparted to it you will charge for these one or two acres as if it were highly improved agricultural land. Let me remind your Lordships of what a high authority in Ireland (Mr. Bence Jones) has told us of a case within his own knowledge. He says—

> "Ten years ago a layman got a lease for ever of five acres of bad land at 7*s*. per acre, as a glebe for his parish. £400 was borrowed on the tithes of the parish. The layman gave £150, and the clergyman spent £100. Thus a small house, &c., were built. By draining and manuring this land is now as well worth 27*s*. per acre as it was 7*s*. ten years ago."

Then what you must do by the Bill is this—you must value the land on which the house stands, and which is only worth 7*s*. an acre, and you will value it at the value of the surrounding land, which is worth 27*s*. an acre, though all the improved value of the land has been imparted to it by the labour of the clergyman himself? Now, I ask is that fair? But let us come to the other facts in the Bill. The noble Earl says that at one time a grant was made of £150,000 for the purposes of these buildings; but he forgot to tell us when it was made. That grant was not a grant from Parliament, but, as I understand, it was a grant from the Board of First Fruits; it was derived from revenues which had come from the livings of the clergy, and the whole money was expended long before the Church Temporalities Act, long before 1833. And does the noble Earl mean to say that in the glebe houses there remains any portion of that expenditure which occurred many years before 1833? It is perfectly absurd to suppose that these houses, which are now to be handed over to the Church Body, have any remnant of that expenditure remaining in them. I want to ask your Lordships to observe what is to be done with regard to Maynooth upon this subject. Year after year grants from the public treasury were spent upon the repairs of Maynooth—some £30,000 to £50,000; and has it been proposed, in consequence of that expenditure, to say that Maynooth, or any part of it, is public property, and that it should not be appropriated by those who have found the residue of what has been spent upon it without their paying back the sums which have been granted? Nothing of the kind. What difference is there between grants made to Maynooth and grants made to the Board of First Fruits for the purpose of erecting these houses? There is a building charge upon Maynooth, a charge of £20,000, and of this the Bill proposes that Maynooth should be entirely released. What consistency is there in the two cases? The noble Earl said there had been some breach of faith by Parliament on this subject. I will tell you what it is; it is described in a Report upon Maynooth, to be found in the Library. It was thus—There was a sum annually granted to Maynooth for repairs; the College used it, not for repairs, but for enlargement; and, in consequence of that misappropriation, Parliament unanimously refused the continuance of the grant. An expenditure for repairs being still required, a sum of £20,000 was lent for that purpose; and from the payment of that sum the trustees are to be entirely released. Her Majesty's Government feel the embarrassment of the position they are placed in, because they have acted with regard to these houses upon no principle whatever. If the Government are prepared to maintain this proposition that the new Irish Church shall have no portion of these glebes except by becoming purchasers of them, I want to know on what principle the sum to be paid for the glebe houses is to be ten times the value of the ground they stand upon. I can understand it if you say they must pay the market value of the houses; but I cannot understand your saying that they may buy them, but you will not sell them at what they are worth. The Government recoils from the application of the principle they have laid down, and they are obliged to confess that it is one they cannot act upon, and therefore they have produced this arrangement, which is a middle course between what is right and what is wrong. Now, I will refer to the other grant made for the building of houses to which the noble Earl referred. There was a loan of £120,000 made by Parliament; but the charge for that loan was laid, by Act of Parliament, upon the profits of the living—not upon the house at all, but upon the tithes and the glebe lands, and the other profits of the living of which the Government is going to take possession, and of which the Church is to be deprived. It is the Government, through the Commissioners, who will be the proprietors of the property on which the charge is imposed; and the Church remains proprietor of that part of the property on which the charge never was imposed. This is clear from the first section of the Act of Parliament. What it says is that the sums so advanced shall be charges or incumbrances on the ecclesiastical emoluments and profits of the see, benefice, or preferment on which it is expended. In point of fact, if it ever become necessary to enforce those charges in the only way in which they could be enforced, it could only be by a sequestration of the profits of the benefice, but the houses on which the money was expended were never made subject to the charge. But the noble Earl tells us that when Members of the Government made these promises last year they did not know of these charges. They were ignorant of these charges. Why, my Lords, this was one of the topics of conversation—it was one of the topics of the debate on the Suspensory Bill, when it was pointed out what the effect would be upon those charges if the clergymen then in possession should die, and the amount of the building charge then due was strongly pressed upon your Lordships' notice. Ignorance of these facts cannot be pleaded except through total want of attention. My Lords, I have no desire to add to the quotations which have already been made by my noble Friend (the Marquess of Salisbury) with respect to these promises, but there is one quotation more which I must ask the leave of the Committee to read. In the debate upon the Resolutions of last year Mr. Gladstone and Mr. Bright expressed in the clearest way their opinions on the subject of the parsonage houses. When Mr. Gladstone went down to Lancashire I find the statement which he made to the country, and on which he asked for their verdict, was this—

> "My opinion, gentlemen, is that the feeling of this country, apart from logic, never would endure, if these clergy and laity are disposed to continue the use of their parsonages and churches for public worship, that they should be taken from them."

That was the case which was presented to Lancashire, and what was stated to the electors of Lancashire at the last election was, of course, read throughout the country. Why, my Lords, would the Members of the Government have dared to go to the country, and to say—"We intend to disestablish and disendow the Irish Church; we intend to compensate Maynooth out of the property of the Irish Church; we intend to compensate the recipients of the *Regium Donum;* we intend to remit the building charges upon Maynooth; we intend to leave the clergy of the Establishment in possession of their churches, but we will refuse to give them their parsonages unless they pay the building charges?" In the eye of the law, judged by the common sense of the country and, above all, by the ecclesiastical law, the churches and the parsonage houses are one and the same thing. You admit that you cannot take the churches; you ought, consequently, to leave the parsonage houses in the possession of those to whom you hand over the churches. I cannot help reminding your Lordships that in the House of Commons, and even among the supporters of the Government, there was a considerable difference of opinion upon this point, and that the strongest remonstrances were made from the Liberal side of the House against the proposal of the Government, though these remonstrances were, no doubt, stifled when the time for voting arrived.

THE EARL OF KIMBERLEY: I would remind the noble and learned Lord (Lord Cairns) that the probable way of ascertaining the value of the glebe and land would be to ascertain the value of the land in the neighbourhood, and make that the basis of the estimate. But, it should also be remembered that we have a trustworthy guide in the existing valuations, and it is remarkable at how little these glebes are estimated. The noble and learned Lord said that £1,200,000 had been expended upon these glebe houses; but the Poor Law valuation in Ireland estimates these glebe houses at the yearly value of not more than £18,000 a year. That valuation has been in force for some time, and is not likely to be considerably altered by the passing of this Bill. The noble and learned Lord objects to the proposal of the Government, on the ground that we do not treat Maynooth on the same footing. I would, however, remind the noble and learned Lord that there is another point which the Bill does not touch. Maynooth is an educational establishment for the training of Roman Catholics; the educational establishment for Protestants is Trinity College. The noble and learned Lord should bear in mind that this Bill does not touch Trinity College in any way. I do not wish to push this argument too far; but if Maynooth is to be included in this question, it will be well to remember the position of Trinity College. Now, the building charge is, no doubt, a charge upon the whole of the benefice; but it is a charge created for the purpose of constructing buildings; and when the noble and learned Lord proposes that the Church should take the houses and the Government the building charge, I cannot help thinking that he proposes to divide the oyster by giving us the shell. The noble and learned Lord's arguments, however, I must say, are not calculated to offer much encouragement to the Government to exercise leniency, for the noble and learned Lord instanced the leniency of the Government as an argument in favour of the proposal which he advocates. It is a fact that the Government have gone in this matter even beyond what they thought was strictly fair. The building charge will be taken entirely by the Government; but, upon the other hand, the Church will be enabled to purchase the glebe houses, and to take as the terms for the purchase the smaller of the two charges — that is to say, when the building charge amounts to less than the value of the land they may take the building charge, or *vice versâ.* The consequence is, that there is considerable alleviation in the plan proposed by the Government, though I fear I shall be unable to convince the noble and learned Lord that these houses ought not to be given to the Church without any payment whatever.

Earl RUSSELL: It appears to me that throughout this Bill we ought to keep in mind the distinction which was made by the right rev. Prelate on the second reading between justice and policy. I think it very evident that if we are to disestablish and disendow the Established Church, certain things will require to be done beyond bare justice. I think it unfortunate that the Government have confounded these two questions in several provisions of this Bill—and in none more than in the present clause. Strict justice only requires that we should pay to clergymen their life interests. Any improvements they may have made in the lands they have possessed they will not be entitled to retain. All they can claim on the ground of bare justice is the value of their life interests. In considering what these glebe lands are worth, we must bear in mind that land is of different value in different parts of the country. In some of the remoter parts it is of very little value indeed; but if it happens to be near a town, and can be used for market gardens, it is worth £3 or £4 an acre. But if the question of justice be satisfied, I come to the other question—that of policy. There does arise, in this case, the question, whether it is right, whether it is politic, whether it is advisable, with a view to the future welfare of Ireland, that you should give these glebes and glebe lands to the Church which you are about to disestablish. It can make no great difference to the existing clergy whether these houses and lands should belong to the Church Body in 100 years to come. Even if the Church were to remain untouched by any disestablishment and disendowment, the matter could make no great difference to them. But I contend that it is a great public question whether, in disestablishing this Church, which has been in connection with the State for so many hundred years, you should allow those residences, with a small portion of land attached to them, to remain with the Church for the use of the future clergy. The clergy of the Established Church in Ireland keep up pure religious teaching in that country, and they are a body of men whom everyone respects. I say, then, we ought to consider whether it is desirable or not as a matter of public policy that those residences should be kept up. My Lords, I have no hesitation in answering that question. I see that, looking on the matter as one of State policy, it is desirable that they should be kept up, and therefore I do not think the Government have done very well in putting into this Bill provisions which would compel the Church Body to pay ten years' value for these glebe lands, calculating the value on their use for building purposes. The Government say it is just that certain charges on the glebes should be paid off; but as you are about to destroy this Church as an Established Church, I say—"Don't require the payment of these paltry charges. You should look to the future of this Church, and in dealing with so great a question, you ought not to haggle about those charges." Then there is the question of Maynooth. That College is in a similar condition as regards building charges. You say that bare justice requires a compensation of fourteen years for the interests of the Professors and students now receiving their education at Maynooth. Everyone sees that the fourteen years' compensation you are about to give Maynooth will enable the managers of that institution to keep up a College for the education of Roman Catholic clergy in future times. I agree with the Government in the principle adopted in respect of Maynooth, though I may have some doubts as to the data on which the fourteen years' compensation for Professors and students has been arrived at. The compensation to the Professors and students and that to the Presbyterian Ministers who receive the *Regium Donum* may be put in the same clauses, but the two things have no connection. I do not object to justice being done to the Professors and students of Maynooth; but I do not think it is a very just process to cut off three or four years from the vested interests of the Presbyterian Ministers who receive the *Regium Donum* and give them to Maynooth. I will not now enter upon the question to be raised presently by my noble Friend (the Duke of Cleveland), in respect of what may be done for the clergy of other creeds; but, looking on the question now before us, as a large question of public policy, I am entirely favourable to the proposition of the noble Marquess (the Marquess of Salisbury), and I shall give my vote for it.

THE DUKE OF ARGYLL: My noble Friend who has just sat down puts the demand he makes for the Irish Church on the fairest ground. He puts it on the ground of policy, and not on that of justice. My noble Friend is quite consistent in making this demand, because he advocates concurrent or indiscriminate endowment, and would do for other creeds what he proposes to do for the members of the Irish Church. I shall not enter into the wider question now; but I am anxious to say a word or two with respect to the other and different ground on which this proposition is supported by my noble Friend (the Marquess of Salisbury) below the Gangway. I admitted the other day, and I admit again now, that there is a discrepancy—an apparent discrepancy, at least—between a statement which I made last year and which, as the noble Marquess correctly observed, was a mere re-echo of words used by the Prime Minister in "another place"—that there is a certain discrepancy between that statement and the Bill as now drawn; but I deny that this clause can be put forward as evidence of a promise unredeemed. If the noble Marquess had read through the speech of the First Minister of the Crown, he would find that not in one passage only, but in two or three passages, Mr. Gladstone carefully guarded himself against any definite promise. My right hon. Friend in that speech distinctly stated that he was not in a position to make any definite statement. I will now read to the House a passage in Mr. Gladstone's speech, immediately following the passage to which reference has been made. He said—

> "This is but an imperfect statement, it has no pretension whatever to be a definite statement."

A little farther on Mr. Gladstone says—

> "I do not think it would become me, either at the present moment or at any subsequent stage of the debate which may or may not follow, to make myself responsible, in all its important and complex details, for a plan which shall have for its aim to give effect to my purpose. It would show, I think, entire forgetfulness both of the limits of my duty and of the resources which I have at my command . . . were I to undertake responsibility for the details of such a plan."—[3 *Hansard*, cxci. 471.]

I think those extracts entirely destroy the claim which the noble Marquess made, founded on the words of Mr. Gladstone. Again, in reference to what has been said by my noble Friend behind me (the Earl of Kimberley), I must reiterate emphatically that at the time those statements were made, as far as I know, the building charges were not before Mr. Gladstone. I believe they were not in his mind, and certainly I knew nothing about them. What are the facts of those building charges? I shall not go into minute questions as to the origin of them; but, with the noble and learned Lord opposite (Lord Cairns), I admit that in the main the advances came from the clergy, and that the debt is one due to them. But in destroying the tithes we take the debt on ourselves, and with it we propose to take the buildings on which it is charged. The State will thus become possessed of the residences of the clergy. And what is the course we propose? We propose to give those residences back to the laity of the Church, for the benefit of their future ministers, at a sum very much below what is charged on them as encumbrances. Is this very hard or very cruel dealing with the Church? Is this not something very nearly approaching to the sketch originally laid down by Mr. Gladstone? If the laity wished to acquire these buildings now, they could not do so without paying every shilling of the charges on them. Well, we give them back to the laity of the Church for a sum very much below the sum charged on them, and the truth is that the accusation brought against us by the noble and learned Lord opposite (Lord Cairns) is that we are departing from our principle of strict logical justice in giving more than in strict equity can be demanded. Well, that at least destroys the force of the counter accusation that we are dealing with the Church in the spirit of Shylock. I, for one, say that we are acting in a handsome and liberal spirit with regard to those glebes. My noble Friend who has just sat down (Earl Russell) asks us not to haggle about mere sums of money. Now, that language is perfectly consistent in the mouth of my noble Friend, because he does not care how many millions we give to the Established Church provided we give as much more to the other Churches in Ireland. But I would warn your Lordships and the House, especially after what has occurred this evening, that we are running up very close to the question of concurrent endowment. What have we heard from my noble Friend the noble Duke (the Duke of Cleveland)? He, by agreement with noble Lords opposite, consents to divide his Amendment into two divisions; but I would warn him that while noble Lords opposite may support him in giving a large sum of money to the Established Church, he will not get their support in giving one farthing of compensation to other Churches in Ireland. This ought to indicate to noble Lords opposite some of the difficulties with which Her Majesty's Government have to deal, and they ought in candour and frankness to acknowledge that in what we have done we have acted in no grudging or niggardly spirit towards the Irish Church. I wish now to say one word with reference to the most unjust accusation which my noble Friend the noble Marquess (the Marquess of Salisbury) has brought against the Members of the Government on the ground of their alleged change of tone between this Session and the past. It is perfectly true that in the course of the discussion last night, when pressed by Amendments and arguments which it appeared to us involved the whole principle of the Bill, my noble Friend the Lord Privy Seal and myself might have expressed ourselves with something more of energy than the particular point in debate at the time demanded. But we were, I maintain, right in thinking that the whole principle of the Bill was involved in those arguments and Amendments; and I wish to point out that there is no justification for the statement that my noble Friend and myself in what we said last night, to the effect that the principle of the Bill is, in the main, to give life interests and nothing more, were departing from the language used by Members of the present Government last Session. The noble Marquess referred to the Resolution passed by the House of Commons. What was that Resolution? I beg to remind the noble Lord that in it the principle that the compensation to the Church should be limited to life interests was strictly defined. The Resolution has been read before in the course of the debates on the Bill, but I will read it again. It is as follows:—

> "That in the opinion of this House it is necessary that the Established Church of Ireland should cease to exist as an Establishment, due regard being had to all personal interests and to all individual rights of property."

These words indicate, as clearly and distinctly as the English language can define, that in the view of Mr. Gladstone and his Friends compensation to the Established Church should be based solely on the personal interests of the members of that Church. This was the principle which we maintained in our speeches last night; and as to the declaration of my noble Friend the Lord Privy Seal that this was a measure of Pains and Penalties against the Irish Church, I would only observe that that can be regarded as nothing else than a true description of it, seeing that the disestablishment and disendowment of the Church is the very principle on which it is based. Our position is—and the statement has been over and over again repeated in this House—that the exceptional privileges which that Church has enjoyed for upwards of 300 years—enjoyed as they were by a small minority of the Irish people, constituted a great injustice, and were inconsistent with the good government of that country. That was our position, but we never denied, and we do not deny, that in proposing this Bill we are giving offence to the feelings of many persons interested in the Church and its memories, and we never concealed from ourselves—to use the language of Mr. Gladstone, not in the present but last Session—that this is at best but a "rude operation." That was the language of Mr. Gladstone, quoted by the noble Marquess himself, and yet in the face of that quotation he has the courage to tell us that we hold different language now from that which we held last year.

EARL STANHOPE wished to know what right the noble Duke (the Duke of Argyll) had to assume that he was unwilling to make concessions in the way of compensation to any but the Protestant Church in Ireland? He stated the very contrary in the Amendment which stood on the Paper in his name, and which had for its aim to provide glebes also for the Roman Catholic priests and the Presbyterian ministers. It was, he thought, not too much to expect that a Minister of the Crown should read through the Amendments before he proceeded to make comments upon them.

THE DUKE OF ARGYLL: I beg the noble Earl's pardon. I do not know to which he is referring. I spoke of noble Lords opposite generally; but I may add that I understood the noble Earl to say to-night that he would vote with the noble Duke on the first but not on the second part of his Amendment.

THE MARQUESS OF CLANRICARDE said, that the question immediately under the consideration of the House was quite different from that of concurrent endowment. Mr. Gladstone might, perhaps, have made no distinct promise last Session as to the exact provisions of the Bill which he meant to lay before Parliament; but then he maintained that the recent elections were influenced by the assurances which had been given that the Irish Church would be dealt with in a generous spirit, and the expectations which had been held out that the glebes and parsonages would be handed over to the ministers of the Protestant religion. He altogether objected to the use of the words mercy and leniency in the matter, and there was very little of either, he thought, in the proposal to take away the glebes from the Church.

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*Resolved* in the *Negative.*

Clause, as amended, *agreed to.*

Clause 28 (Power to convey additional land to church body).

LORD DUNSANY *moved,* in line 21 to leave out ("exceeding,") and insert ("less than,") the object being to substitute a minimum for a maximum of thirty acres in the case of a see house. He hoped that no objection would be taken to that proposal, which did not trench in any way on the principle of the Bill.

EARL GRANVILLE said, he could not accept the Amendment, which would change the character of the clause. There was a proviso enabling the Commissioners to increase the quantity of land if they thought it necessary for the convenient enjoyment of the house.

THE EARL OF CLANCARTY said, he thought that the limitation might be dispensed with, and the Commissioners allowed to exercise their discretion as to what the quantity of land should be.

Amendment (by leave of the Committee) *withdrawn.*

EARL GRANVILLE said, that before the noble Duke (the Duke of Cleveland) brought forward his Amendment, the the House ought to know exactly arrangement which had been come to respecting it. Last week it was understood that the noble Duke was to move certain Amendments to the 27th clause, but no Amendment stood in his name at the present time. Of course, the noble Duke would be at liberty to move his Amendments at any stage of the Bill; but it would tend to the convenience of their Lordships generally if they were informed of the nature of the arrangement which had been made.

LORD CAIRNS said, that whichever of the Amendments of which notice had been given should be moved, it would have to be considered as an Amendment dealing with the surplus, and he could not help thinking, therefore, that it would be more convenient to postpone it until the clauses which related to the surplus were reached.

EARL GREY said, he hoped the noble Duke would proceed with his Amendment at once.

LORD TAUNTON trusted the noble Duke would not allow his good nature to be practised upon, as the suggestion of the noble and learned Lord opposite (Lord Cairns) was not made with a view to facilitate the passing of the Amendment.

THE MARQUESS OF CLANRICARDE observed that the Amendment of the noble Duke was in spirit precisely similar to his own, and that the other Amendments on the Paper respecting the same point were also somewhat similar in their object. This being so, he thought it would have been much better for noble Lords who intended to move those Amendments to have conferred together beforehand, with the object of deciding which of the propositions should be brought forward. He himself thought that the noble Dukes's Amendment would fully realize what was desired.

THE EARL OF MALMESBURY said, he sympathized with the noble Duke's opinions on the subject of concurrent endowment, but, at the same time, he should regret the noble Duke's refusal to agree to the proposal of his noble and learned Friend. Indeed, if the noble Duke should not assent to the proposal, he should be most decidedly prevented from voting with him on the present occasion. The proper time for discussing the Amendment would be on Clause 68.

THE DUKE OF CLEVELAND: I am very sorry I cannot accede to the proposal which has been made by the noble and learned Lord opposite. Part of the proposition which I originally intended to move has already received the sanction of the House on the Motion of the noble Marquess (the Marquess of Salisbury), and I think I should not be discharging my duty if I consented to any further postponement. The noble Earl opposite (the Earl of Malmesbury) has stated that he shall not give me his support on the present occasion; but I really do not see the necessity for deferring the consideration of this question until we reach the 68th clause, which deals with the surplus. The noble Earl who leads on behalf of the Government in this House has asked me a question about the arrangement which has been entered into. In the few remarks which I previously addressed to the House I endeavoured to explain the reason why I gave up a part of my original Amendment. Then some noble Friends of mine thought the words I had proposed were not sufficiently ample and would not carry out the object we have in view. Accordingly, I have altered the terms of the Amendment. My Lords, I thought it was right in the new state of things about to be created in Ireland that we should endeavour to act with equal justice towards all the three great religious denominations in that country. My clauses are framed on that principle. We have heard from my noble Friend behind me (Earl Granville) something about concurrent endowment. I can scarcely call my proposal one that goes to the extent of concurrent endowment.

It is certainly a very small measure if it is to be taken in that sense. There was a proposition shadowed out by a noble and learned Friend behind me (Lord Westbury) of a much larger character, and which would have been entitled to the name of the concurrent endowment of all the three Churches; but I believe he does not intend to persevere with that proposition. My Lords, if I were treating this question as an abstract one, and were laying down in the closet the best theoretical principles which should guide us in this matter—if I did not feel that the opinion of the country militated against such a proceeding, and that such a course was impracticable, I might have been willing to consider a large plan of concurrent endowment. But thinking that such a scheme was not likely to find acceptance, perhaps, with your Lordships, and certainly not with the other House or with the public at large, I could not undertake to propose it for your adoption. My proposal is a very small one, and one of a very unpretending character. I merely propose in parishes where there are no suitable residences or glebe houses for the accommodation of the ministers of religion to give, at the instance of the Roman Catholic congregations, and, in the case of the Presbyterian clergy, also at the instance of the Presbyterian congregations, residences for their clergy with ten acres of land attached to each glebe house. That is the full length and breadth of the proposition which I now have the honour to submit to your Lordships. My reason for confining the quantity of land to ten acres is that I find that quantity fixed upon by the Bill as applied to the Episcopalian clergy; and I think equal advantages in this respect, should, as far as possible, be extended to the Roman Catholic and the Presbyterian clergy. If, in taking that limit, some of my noble Friends think I have gone too far, I must say I cannot share their opinion. On the other hand, there were propositions which were to have been brought before the House of a much more extensive description. My noble Friend the noble Earl (Earl Russell), who is so well entitled to place his views before your Lordships, gave notice of his intention to suggest thirty-five acres as the proper limit. Judging of the matter to the best of my ability, I have thought that the quantity I have fixed upon—namely, ten acres—is the best to adopt under all the circumstances. I do not pretend, for a moment, that ten acres of land is anything like a sufficient provision in itself for a clergyman of any denomination; but such a grant, together with a residence, where no suitable residence now exists, would, I believe, be acceptable both to the clergy and the laity of the denominations to whom it was given. My Lords, it must be remembered that, in the main, Ireland must be regarded as a Roman Catholic country, and that the Irish Protestant Established Church is not the national Church in any real sense of the term. It is not the Church of the people at large, as it was intended and expected that it would become when it was originally established. We cannot pretend that it is the Church of the people at large; and therefore it does not fulfil the first condition of a national Church. On the other hand, as the priesthood of the Church of the majority, the Roman Catholic clergy of Ireland must necessarily exercise a great influence over their flocks. Indeed, I believe there is no country in Europe where the Roman Catholic priesthood exercise greater influence than in Ireland. That influence may be exercised for good, or it may be exercised for evil. Now, in what a position do you place that priesthood? In many a remote district the Roman Catholic priest is located in a miserable hovel on a wretched pittance, and depends entirely for his subsistence on the voluntary contributions of his people. In every case those voluntary contributions will still remain to be the principal support of the priest; but by my proposition the priest will be led to feel that he is not an outcast; he will be led to feel that he is connected with the land—a very important consideration, I think, although it is true his interest in the land may be small in its pecuniary value. Still, he will feel that he is treated fairly and generously; the acerbity engendered by his existence in a miserable cabin will be removed. Of course, in the richer parts of the country his condition may be different; but in many districts his lot is such as I have described. There is no country in Europe where, on the whole, the mass of the people is poorer than in Ireland; and yet they are called on to support their priesthood, and they do support it in every case by religious contributions. Considering the religious character of the Irish people, and the influence which their priesthood possesses over them, I have no doubt that, under all circumstances, they will continue to make those voluntary contributions. But, at the same time, in many instances, the priests have no suitable residences, and the provision of such residences for them, with a small quantity of land, would place them in a very improved position. If he were in any other country in Europe, the Irish Roman Catholic priest would be paid out of the national Exchequer. Here that is impossible; and I do not pretend to propose anything of that kind. The small endowment I suggest—if you choose to call it so—is not to be taken out of the public taxes, and the English or the Scotch tax-payers will not be asked to contribute towards a religion of which they disapprove. The property with which we are dealing is Irish property, and applicable to Irish purposes. The original trust on which it might be said to have been given has failed, and my proposal goes upon the *cy près* doctrine well recognized by our courts of law—namely, that, when any charities are dissolved or failed you apply the proceeds of its charitable endowments to the purposes most closely analogous to those for which they were first given. In this way, though no longer devoted indeed to the Anglican Church in Ireland, this property will still be applicable to purposes connected with the religious instruction of the people. You will be acting in perfect conformity with the original intentions of the donors. With respect to the Presbyterians of Ireland, I have had the honour of seeing some of the adherents of that Church. They claim equality with the Anglican Church, and demand that their clergy shall be placed in the same position as the Anglican clergy in Ireland. The justice and equity of my present proposal in regard to them cannot, I think, be be fairly disputed. It is perfectly true that my proposition is not consistent with the words in the Preamble of the Bill which profess to give nothing for religious purposes; but, my Lords, I confess that I no not agree in that principle. I think it is erroneous, and I believe it would be better if no such principle were set forth in the Preamble. My Lords, the Amendment I propose will produce equality among the different Churches in Ireland in a more satisfactory manner than that proposed by the Bill. It has been objected that my scheme is inconsistent with the Bill; but I maintain that it is connected with its main object—that of producing equality among the Churches of Ireland; it will satisfy the Roman Catholics, and no Bill will be satisfactory which does not do this. What does it matter if the process by which the object is attained is not in all its parts consistent, as long as the main object is consistently pursued? Reference has been made to the verdict of the country. Now, I desire to follow that verdict, and I believe the country decided for disestablishment; but I also believe the Bill is more thorough in its dealing with the question than the country expected. It was not expected that nothing would be left to the Church; for, in point of fact, although the Bill provides life interests, and it could do no less, it is impossible to deny that the Church itself has nothing. And what will be the future of the Church if the Government plan be agreed to? At present the Church enjoys very large revenues; in the future it will have to trust to the voluntary system. And how will it fare? It is notorious that Ireland has a very large number of absentee proprietors; and, although it is perfectly true that many of these absentees do their duty by those on their estates, it is also perfectly true that no absentee proprietor does as much as he would do if he were resident; and, for this reason, I doubt very much whether subscriptions in aid of the Church of the future will be forthcoming from the proprietors to the extent anticipated. The voluntary system must, therefore, be considered as it affects the poorer classes of the country; and, viewed in this way, the voluntary system will be rather a hard one for the Anglican Church in Ireland. But it is said we must not have general endowment, and with this I perfectly agree, because such a course would be unwise, if not impracticable. I am, therefore, restricted within very narrow limits, but I have endeavoured to confine my proposal within the bounds of possibility. Some, however, think my proposal amounts to endowment, though small in extent; and they think the Government should have nothing to do with such a proposal. But, my Lords, in India we respect endowments of even an idolatrous character; and when we do this, we need not be so tender as to decline to support in any way the Roman Catholic

Church. Then, look at Canada. The French portion of Canada was ceded to us in 1763, with a Roman Catholic Establishment which we have uniformly respected, and that Establishment remains in full possession of its endowments. General Williams, who commanded in Canada three or four years ago, told me that he had to receive a deputation of clergy in the course of his duty, among whom was the Archbishop of Quebec, who assured him that no nation in the world would have respected their endowments in Canada in the way the English had done. And the Archbishop added—

> "We are attached to the English nation; we know well that if we were joined to the United States our endowments would not be respected; but you have carried out all our stipulations, and there are no more faithful subjects of the Crown than we are."

Why, then, should we not, in the same way, support endowments to the Irish Roman Catholics to a limited extent? I can see no difference whatever between the two cases. Much stress was laid the other night by the noble Earl on the fact that we were very rapidly parting with the possible surplus of the Irish Church fund. I cannot pretend to say what will be the exact cost of carrying out the proposal I now make; but, at any rate, it is far within the limits of any surplus the Commissioners may have to administer. Certain it is that the surplus is altogether out of proportion to the limited objects mentioned in the Bill; and, after all the demands for glebe houses have been satisfied, abundance of surplus will be left for those objects. If the surplus amounted to some £500,000, it might well be used for some of those small matters; and without wishing to exaggerate the sacredness of Church property, I must say that the building of dwellings for Roman Catholic priests is a far more fit purpose to which to devote these Church funds than making grants to infirmaries and reformatories, however desirable it may be to encourage such institutions. I believe the clergy have acted in an exemplary manner, and I should be the last to make any complaint against them; but, at the same time, they are not the clergy of a national Church. It would be most unjust and improper to treat them with anything like disrespect, and they ought to have their full share of what is given by way of endowment, if this grant of residences may be so called. It will be a great advantage to all the clergy—Catholic, Anglican, and Presbyterian—to have comfortable residences. If you reject this Amendment, it is obvious that the former Amendment on the subject of Anglican residences will not be allowed to stand. You must give an equal measure of rights and advantages to all three Churches. I may not obtain a majority as large as the last; but I believe your Lordships feel deeply the responsibility of the situation in which you are placed, and I hope you will not be unduly influenced by minute differences of opinion. Your decision on this point will be taken as a measure of what you intend to do hereafter, and as showing whether you intend to treat Roman Catholics with equal justice. It is impossible to disguise the magnitude of the issue before us, and I do hope your Lordships will give evidence of your anxiety to do justice to the great mass of the people.

Amendment *moved*, in line 32, to leave out from ("body") to ("Any") in line 36, and in line 38, after ("vested") to insert—

("Provided also, and it is hereby enacted, that in any instances in which there are not at present houses of residence or glebe lands to the extent aforesaid for the clergy of the said church, and in which the representative church body shall report that the services of a resident clergyman are required for the spiritual care of a separate district, it shall be lawful for the commissioners, with the approbation and according to the directions of the Lord Lieutenant in council, to purchase glebe lands to the extent aforesaid, and to purchase or defray the expense of erecting houses of residence for such clergymen, and in like manner it shall be lawful for the said commissioners, with the like approbation and according to the like directions in the instances where glebe lands and houses of residence have not been provided for the Roman Catholic prelates or for the Roman Catholic or Presbyterian clergy having spiritual care of separate congregations or districts, by and out of the proceeds of the property hereby vested in the said commissioners, to purchase for such Roman Catholic prelates glebe lands to the extent hereinbefore defined as the limit in the case of the lands to be conveyed to the church body with see houses, and also to purchase or defray the expense of erecting suitable houses of residence for such prelates; and also on the application of the Roman Catholic prelates and General Assemby of the Presbyterian church in Ireland respectively to purchase for the parish priests of the said Roman Catholic church in Ireland and for the clergy of the said Presbyterian church in Ireland having spiritual charge of separate congregations or districts, glebe lands to the aforesaid extent in any one case of ten acres, and also to purchase or defray the expense of erecting suitable houses of residence for such Roman Catholic and Presbyterian clergymen respectively.")—(*The Duke of Cleveland.*)

THE BISHOP OF GLOUCESTER AND BRISTOL: I have placed upon the Paper an Amendment somewhat analogous to that of the noble Duke. I have had the honour of conferring with a noble Lord, not now present, (Earl Stanhope), and I felt so completely convinced of the wisdom of the terms in which he had drawn up his Amendment that I simultaneously published an expression of my desire that the surplus might be applied in the way indicated in the Amendment of the noble Earl—that, in fact, it should be applied to religious and not to secular purposes. In saying this I give your Lordships the key to the remarks I wish to make. I am about to enter upon a most difficult subject, and I am in a position which makes the difficulty still greater. I have arrived at my decision as regards the noble Duke's Amendment slowly and maturely, and well weighing my own position. There are three ways of looking at the subject—three foundations on which arguments may be supposed to rest. There is the argument that can be deduced from the morality of the case, as conditioned by your Lordships having read this Bill a second time—there is the argument of religious expediency, and there is that of political expediency. I shall not argue the case upon the two latter grounds. While deeply deploring the mischief which I believe this Bill will work, I accept the pronounced decision of the majority, and consider that I am in a far different position from that I should have been in if such a vote had not been arrived at. I will attempt to argue on this conditioned morality of the case. It is always best to argue first upon the morality of any great question. I think it is Bacon who says—"Nothing that is morally wrong can ever be politically right;" and I am for referring to first principles in this case. I fear, however, my thesis will ultimately come out rather in this form, that that which is least morally wrong—alas! that I should be driven to such an argument—will probably be found to be most politically right. I demur greatly to the way in which this case has been put forward. It is commonly said that it is profoundly wrong to take the endowments of the Irish Protestant Church and to give those endowments to Roman Catholics, and so to propagate a system of error. I demur to that statement altogether. That might be a true way of putting the case if the Bill had not been read a second time; but it is not so now. In the first place, Parliament has taken the money; and all that is now in our power is to allocate it. There is this further,—that the question now before your Lordships is not one to be answered by a plain "Aye" or "No," but it is a question and a choice between two grave moral difficulties. The question also is not simply whether we would with this money "endow" the different religious bodies, but whether we would allocate funds for certain limited and defined purposes. In this I agree with some of the speakers, and particularly with the noble Marquess opposite (the Marquess of Salisbury) who objected, and I think most rightly, to the term of "concurrent endowment." If any term can be applied to the proposal before your Lordships it is, I think, that of co-ordinate grants. What we have then to decide is which we shall adopt of two very anxious courses—to use no harder expression—whether it is best to allocate a portion of what must be a residual fund for religious purposes, as indicated in the Amendment, or whether it is best to assign it to purposes of an alien kind. Now, what are the two religions that it is proposed favourably to consider? I venture to touch upon a very difficult question, because I yield to no Member of your Lordships' House in my devotion to the Church of which I am a Bishop. I am, moreover, one of those who defend, and I shall defend to the last, the old-fashioned term of "Protestant." I stand before you a Protestant Bishop; and God grant that a Protestant, in its best and true sense, I may remain to the end. Now, let us deal fairly with the religion whose claims it is proposed to consider. Is there any one in this House who can come forward and say that the Church of Rome does not acknowledge the three creeds which we believe to be necessary to our salvation? Does she not believe that which is the dearest doctrine with some of us, and in defence of which we would shed our best life's blood—the Divinity of our Lord and Master? It may be that she has added to her system much that we consider deplorable, much even that we consider dangerous, but the belief in our Lord, in the four great Councils, and the three great creeds she shares in common with ourselves. This is the Church to which it is proposed to give a small boon by way of a grant to her ministers. Of the Presbyterian

Church I need say nothing. I might, however, remark that, if I were to enter into the theological questions connected with the Presbyterian Church, I should have a more difficult matter than I should have had in speaking of the Roman Catholic Church, because in the examination into theological principles, especially in reference to the great doctrine to which I have just alluded, and a due estimate of the distinctions between Presbyterianism and Remonstrant Presbyterianism, there is much that would make an anxious inquirer pause. We have, then, two Churches before us from which we may honestly differ. From both I differ; but I do not deny in either case that the members hold those doctrines which we regard as the foundation of our religious faith. On the other hand, what are we to do with the surplus that may accrue in consequence of the passing of this measure? Now, my Lords, I shall make no small jokes nor attempt to catch any unmeaning laugh by any description of the application of funds which, after all, are to be devoted to the relief of human misery. I will take the highest definition that can be given, and say that this money is to be applied to the purposes of philanthropy, and philanthropy and religion are confessedly very nearly allied. But things that are very near to each other in one sense are often very wide apart in another, and that is the case in the present instance. Does not each one of us owe two great debts? The one owe we not to our fellow-men, the other owe we not to our God? Now, what does this proposal really come to? Does it not really amount to paying one of these debts with the money which should be devoted to the other—in other words, is it not taking religious money for the purpose of paying our philanthropic debts? I firmly believe that in voting with the noble Duke I have selected the lesser of the two difficulties in which I am placed. But, my Lords, there are arguments derived from the Bill which, to my profound sorrow, your Lordships have adopted, and which must be considered as conditioning and defining our future course. We are pledged to the principle of religious equality, and we have now a further consideration besides the abstract ones to which I have alluded. There is a voice behind us which says—"Go on; you must go on if you are honest and moral men." We are told, too, that it is sought to attain peace, and in its attainment I should be willing to sacrifice much, if, in addition to reconciling it with the moral argument to which I have alluded, I can by my vote bring peace where of peace there is at present but little. If I may raise the tone of religion, if I may snap some of these Ultramontane bonds which press so tightly upon some of these ministers, may I not hold all these things as very sufficient reasons why I should adhere to the abstract moral reasoning I first put before your Lordships? But it may be said—"No claim has been made for this surplus; your offer is perfectly gratuitous. You are going to do something you have never been asked to do." My Lords, one community at least has asked for it, and in a very plain way. We have all seen the temperate letter of the Moderator of the Presbyterian Assembly in Ireland. We have seen it noticed in the public papers that he has put in his claim for his co-religionists definitely and plainly, and what has occurred in this House this very night has given that claim its full force. He has said in effect—"If you give these glebes and manses to the Episcopalian Church then we put in our claim." It may be that the Roman Catholics have not made any demand of that kind, but I accept the statement of the noble Duke and others that the Roman Catholics are not indisposed to accept what the noble Duke proposes should be given to them. My Lords, as we are now bound to religious equality, I think those who follow the noble Duke into the Lobby will rightly discharge their duty as Members of your Lordships' House. I have not touched and I will hardly touch on other points; but I think it would scarcely be respectful to your Lordships if I did not anticipate some of the objections which I suppose will be made to the proposition of the noble Duke. I pass over the objections which may be raised on political or on religious expediency. I have resolved to consider the subject in a deeper way; but there are other objections to which I think it right to make some reference. First, it may be said that it is impossible to do what the noble Duke asks us to do. "Impossible!" Why, my Lords, I venture to say that there is no such word known in this House as an objection to anything recommended to us by considerations of justice and of peace. Secondly, it may be said, that the proposition is "premature." It may be said that it would be for the public convenience to let the proposition ripen a little, to have it debated in the House of Commons, and discussed in the public journals. My Lords, is it our mission to await events in that way? Is not our mission a higher one? Is it not by calm argument and well-considered measures to lead public opinion? I dismiss, and I venture to say that I rightly dismiss, the word "premature." Thirdly, it may be urged that this provision would be inconsistent with the promises which were made on the hustings. My Lords, have we anything to do here with the promises which were made in exciting circumstances, and to those who may not have had the question fully put before them in all its reasonable aspects? Are we to be bound by such things? Are we to have quotations of expressions addressed to motley assemblages at the hustings, used here in the discussion of a question which ought to be dealt with on its own merits? Lastly, it may be said that this proposition is politically inadmissible. This, I suppose, implies that if this Amendment passed in your Lordships' House and went to the House of Commons, it would be rejected by the Ministers of the Crown and by that House. My Lords, on so great a question far be it from me to speculate on what may be in the minds of the Ministers of the Crown, or on what may be the decision of the House of Commons; but this I may say, that I read with interest, and something more than interest, words that are reported to have been spoken by the Prime Minister at a recent banquet in the City. That right hon. Gentleman is reported to have said that the principle would be adhered to of making the surplus funds of the Irish Church available for the benefit of the Irish people. In words well chosen—as all the words of that eloquent man are—he said that the surplus would be applied "not for the maintenance of a Church or the support of a clergy." Can anyone say that what the noble Duke proposes to have given would be for the maintenance of a Church or the support of a clergy? Poor as the Irish clergy are, I do not think that a gift of ten acres of land to each of them could be called supporting them. I speak with profound respect for those who conscientiously differ from me on this subject. I know that there will be many speakers who will say they object to this proposal, on the ground that the House of Lords ought not to grant money to propagate error, and I feel that such expressions of feeling deserve all possible consideration. But, my Lords, that objection cannot be very just now. What have we done by our recent vote? We have declared by our vote—may I not say our disastrous vote?—that to the State all religions are alike. We have heard many definitions of an Established Church. Burke defined a Church Establishment to be the indication of the national preference for one form of religion over every other. Consider this definition with reference to the present case. How stands it now? Why thus—At the very time when the Protestants of Ireland were gathering strength, you have withdrawn the national preference for their Church. That being so, we must encounter the new difficulty; we must do what remains of justice—we must move onward as far as we may in the direction of peace. I have a deep feeling for all who experience a spiritual difficulty in arriving at a conclusion on this matter, and the more their conscience touches them, the more I sympathize with them; but I can only say to them—"You must decide for yourselves; it is now thrown upon you; the nation has withdrawn her national preference for the religion you love." Let me add this concluding, but not unimportant consideration. Even if you doubt the wisdom of applying this surplus in the manner proposed in the Amendment, I would ask you to beware whether you would not be ministering more to the religion against which you have such strong objections by applying the surplus in the way the Bill proposes. If the surplus was given in the latter way the Roman Catholics might make use of it insidiously to promote their religion; nay, they could hardly fail so to use it. They might say—"As the money you have taken from the Irish Protestant Church is not given to us, but comes indirectly to us, only generally, as Irishmen, we certainly will use it as far as we can to spread and propagate our faith. Money given to philanthropy shall covertly be made to further our religion. We were treated unfairly when we most expected consideration, and now we will proselytize, and proselytize with all our hearts. Our hospitals and asylums shall be our convenient centres. Protestant money shall aid Catholic purposes." Such obvious applications of the surplus may well warn us that the argument of propagating error may just as fittingly be urged against the original proposal in the Bill as against the present Amendment. Last of all, however, let me not forget that this may be said, and will be said—"There is a way out of the difficulty." Hang up the surplus, and leave Parliament to settle the question of its distribution at another time." Why, my Lords, by adopting that course we should be placing before this people, already too excited, a sum of money to obtain which there would be unceasing strife. I am sure that such a course would prolong the agitation on this most difficult subject until such time as the money was disposed of. I have, my Lords, only a few more words to add. In the course which we take with respect to this Bill we must all be prepared for a certain amount of self-sacrifice. Many of us who vote for this Amendment may have our motives seriously misconstrued. I, who now address you, may have my words brought up against me as one who secretly favours what he ought most to oppose. Instead of being regarded as one who anxiously chooses the least of two evils, having had that choice now forced upon him, I may be denounced as one who would vote away public money to advance and propagate religious error. Be it so. I humbly feel convinced that, in the present position into which we are now driven, the course of the Amendment is the best course; nay, even the right course. Permit me, then, to urge your Lordships to follow this course, and to listen to the old maxim—"Take heed unto the thing that is right, for that shall bring a man peace at the last."

THE DUKE OF MARLBOROUGH: My Lords, a great deal has been said in the debate that has taken place on the second reading, as well as in the debates in Committee, as to what has been the verdict of the country on this question. I venture to state, and I think I may do so without contradiction, that if this question of concurrent endowment had been submitted to the constituencies at the recent elections, and if it had then formed the burden of the speeches of those who now hold the reins of government, a very different verdict would have been pronounced by the country from that which it has returned. But if there was one thing which was assiduously kept back at the elections—I would go further, and observe that if there was any one point on which a distinct understanding was come to—it was that there should be no concurrent endowment as a consequence of the disestablishment of the Irish Church. So far as the the theory of concurrent endowment goes, I cannot say that I personally have any objection to it. The policy which has hitherto been adopted by this country is one which has, I think, been very plainly laid down. The State has found it necessary to recognize the existence of various religions among its people, to protect and, even to a certain extent, to encourage those religions. If we look to the fact that large sums of money have been voted for the purposes of education, we must at once see that a considerable portion of that money has been expended in the teaching of the Roman Catholic religion in this country. Now, I by no means complain of that arrangement. I regard it, on the contrary, as just and equitable; but we cannot conceal from ourselves, as honest men, that, if we give funds for the education of Roman Catholic children in the precepts of their religion, it is idle as well as hypocritical to contend that it is impossible to contribute anything to the teaching of that religion in Roman Catholic places of worship. One of the chief objections which I entertain to the Amendment under our consideration is that we are invited by it to endow the Roman Catholic Church out of funds which have hitherto belonged to the Protestant Church in Ireland. It is perfectly true that by this Bill a grant is made out of those funds to Maynooth, and the principle which I have sought to lay down is, no doubt, to a certain extent, invaded by that provision. I am not, however, prepared to quarrel with the grant to Maynooth, because it forms an important part of the whole scheme as it has come before us, and because it is impossible that the present grant to Maynooth should cease without compensation in lieu of it being given. But when we go further, and it is proposed to give endowments, as this Amendment would provide them, out of the funds of the Episcopal Church, I confess I am not prepared to go to that extent. It was stated, I may add, in evidence before the Commissioners, as will be seen in the Appendix in Mr. Shirley's Report—

> "That the general result of the various measures affecting tithes, church rates, and ministers' money was to diminish the revenue of the Church by nearly £250,000 per annum, or about one-third of the whole. It is self-evident, then," the Report goes on to say, "from what has been stated, that but a fraction of the original 'tenth' remains with the clergy of the Established Church; not a larger portion than would fall to their lot if the whole tithe had been a national provision, and had been divided between the adherents of the Church of Rome in Ireland and the members of the Church itself."

In addition to that, we have the fact that "of the glebe lands no less than five-sixths were granted to the Reformed Church since the Reformation," so that whether they are retained by that Church or not, it is perfectly clear that they were originally granted for Protestant uses; and for this reason, if for no other, I should feel great hesitation in diverting any portion of those funds to the maintenance of the Roman Catholic or any other religion in Ireland. In that respect I am inclined to agree with the Government, though we have probably arrived at our conclusions upon the point by a different road. Another reason why I think these funds should not be applied in the manner proposed is that it seems to me you would not by that means be effecting a settlement of the question. If any one thing has been made more clear than another in the course of this question it is the line taken by the Roman Catholic hierarchy and the Roman Catholic organs on this point. At a general meeting of the Roman Catholic Archbishops and Bishops of Ireland, which was held in Dublin on the 1st, 2nd, and 3rd of October, 1867, the following resolution was unanimously passed:—

> "That, notwithstanding the rightful claim of the Catholic Church in Ireland to have restored to it the property and revenues of which it was unjustly deprived, the Irish Catholic Bishops hereby re-affirm the subjoined resolutions of the Bishops assembled in the years 1833, 1841, and 1843; and, adhering to [the letter and spirit of those resolutions, distinctly declare that they will not accept endowment from the State out of the property and revenues now held by the Protestant Establishment, nor any State endowment whatever."

Those were the opinions entertained by the Roman Catholic hierarchy in 1867, and how has Roman Catholic opinion progressed in the meantime? Have we seen any alteration in their views? So far from there being any alteration in that respect, we have the most decided expression of opinion from Ireland that no endowment whatever would be accepted by the Roman Catholic Church. In the face of that fact, however benevolent and however just in theory this idea may have been, I cannot help feeling that it is one which would fail in practice. On this point we have a most extraordinary coincidence of opinion, both from the Roman Catholics and from the Protestants of Ireland. They both unite in condemning this scheme; and while the Protestants declare that they would sooner lose all their endowments than that one farthing of them should be given to the Roman Catholics, the Roman Catholics, on their side, equally repudiate such a project. The question, then, remains, what is to be done with the property which has to be disposed of? I, for one, will not anticipate the discussion which must hereafter arise on this subject, if your Lordships should not agree to the proposal now before you; but I cannot help saying that the Amendments of which notice has been given by my noble and learned Friend behind me, and which raises the question whether it is advisable or proper, before the surplus shall accrue, to designate what its future application may be, will form a fair subject for discussion by your Lordships. I am not, however, prepared to dissent altogether from the preposal of Her Majesty's Government on this subject, which I think may be a not unsatisfactory settlement of the matter. So far as concerns the proposal to give to Roman Catholic reformatories, and other institutions, which are under the express direction of the Roman Catholics, the Bill of the Government is very inconsistent; for after stating that none of the money shall be applied to the purposes of religious teaching, it proposes that some part of the funds shall be placed in the hands of Roman Catholics for teaching in Roman Catholic reformatories, and surely that is as much as devoting them to the purposes of religious teaching as it would be to give them to schools where religion is taught. There is, however, another and perhaps a wider view of the matter. The property of the Irish Church consists of tithes and what may be raised from the sale of the glebe lands, and the Government propose that the tithes should be sold at fifty-two years' purchase, which, virtually, is a sort of *hocus* *pocus* transaction, by which the tithes will ultimately lapse into the pockets of the landowners. It has been contended that this is the great blot of the measure of Her Majesty's Government; but I cannot so consider it myself, because I think it should not be forgotten that the distribution of the property has been one of the greatest difficulties which have arisen in regard to the Bill. We have had proposals that the money should be employed in loans for the benefit of the poorer population of Ireland; that it should be expended in the reduction of taxation in that country; and there have been other suggestions which show the great difficulty which exists as to the distribution of the surplus. By the proposal of Her Majesty's Government the money will return to the pockets of the original donors—the owners of the soil—and, I think, that when property has been given for a particular purpose which is no longer to be fulfilled, the best and simplest mode of dealing with it is to give it back to those from whom it came. I have only one word more to say, and that is with regard to the ultimate consequences of this measure—consequences which may possibly be very serious and dangerous. We should not conceal from ourselves, my Lords, the effect which this example may have upon the Established Churches of England and Scotland. A very great change will result from the passing of this Bill. It is all very well to say that the Church of Ireland has been a weight and a drag upon the Church of England, and that the removal of that drag would give the Church of England more strength and vigour, but I do not believe in that way of looking at the matter. If you open the sluice gates for the flood you may be overwhelmed. The time will come when it will be impossible to resist the example which has been set by this measure, and, unless a great change takes place in the minds of the people, and the result of this Bill is recognized as disastrous instead of happy, I much fear what may happen. I look with great alarm on this principle of concurrent endowment, and I cannot conceal from myself that the Bill may lead to the disestablishment of the Churches of England and Scotland. For these reasons, though I do not agree with Her Majesty's Government in the expediency of this measure, I shall support them in their opposition to this Amendment.

Viscount HALIFAX and the Earl of CARNARVON rose together, and there being loud calls for either speaker, both the noble Lords remained standing.

LORD CAIRNS rose to Order. He said, their Lordships had the advantage of two Motions before them, one that Lord Halifax and the other that Lord Carnarvon be heard. He ventured to suggest to their Lordships whether, as this was the first time Lord Halifax had expressed a desire to speak, it might not be convenient to give him precedence.

VISCOUNT HALIFAX: I am obliged to the noble and learned Lord for having interfered. I have not yet addressed a syllable to the House on the subject of this Bill, and as the noble Earl (the Earl of Carnarvon) has more than once had the opportunity of addressing your Lordships, I thought that in desiring to do so I was not guilty of any want of courtesy to him. I will not attempt to follow the noble Duke (the Duke of Marlborough) in the observations which he has made, and which would have been, I think, better addressed to the House on the second reading of the Bill. And I certainly will not argue the two proposals which he made, and neither of which, I believe, will be acceptable to your Lordships—first, that the whole of the surplus should be put into the pockets of the Irish landlords; and, secondly, that the funds should be held in suspense, to become the subject of perpetual applications, till such time as the contending parties can bring their contentions to a close. Voting as I did, I should be glad to say a word or two in explanation of the course which I adopted. I voted for the Motion of the noble Marquess opposite (the Marquess of Salisbury), as he fairly put it, as part and parcel of a more generous measure, the first part of which was intrusted to his hands, and the second has been moved by the noble Duke at this side of the House (the Duke of Cleveland). I wish distinctly to state that if the Motion of the noble Marquess had been one and alone I should not have voted for it. I should not have voted for the Amendment of the noble Marquess except as part and parcel of a large measure to give to all alike; and if it should happen that the Motion of the noble Duke should be rejected I shall feel myself at liberty upon the Report to vote as I please upon the proposal to give to the Protestant Church alone. I am for giving to all or to none. I agree generally in the views which Her Majesty's Government entertain upon the subject of this Bill. I entirely agree in the injustice of continuing to endow exclusively the ministers of a religion which is that of a very small minority of the people of Ireland. I believe that to be a crying injustice to the people of Ireland — an injustice unexampled in any other country, and only forced upon the Irish people by the superior power of England. We cannot be surprised that, as long as that state of things continues, Ireland should be disaffected, and we cannot hope for contentment there until that source of discontent is removed. A good deal has been said about concurrent endowment. My Lords, I find in this Amendment nothing worthy of the name of concurrent endowment, and I think much mischief has been done by applying words of great significance to a thing of very small dimensions. Whatever my opinions may be in favour of an endowed as against a voluntary Church, no question of that nature is really under discussion at present. What I and what your Lordships have to consider is the question of some small endowment in Ireland. Now I, for one, am not prepared to advocate the principle of concurrent endowment. Everyone knows perfectly well that a Protestant Parliament would not consent to endow the Roman Catholic religion in Ireland, and we know also that the Roman Catholics would not accept endowment. It seems, therefore, perfectly childish to discuss the question of general concurrent endowment on this occasion. But the Amendment now before the House to give houses and some few acres of land—a garden and a croft—to the clergy, and to ministers of the other great denominations in Ireland, cannot surely be called anything like endowments. The arguments which are properly used against general endowment in Ireland, and in which I entirely concur, are misapplied when directed against this Amendment. The principle which is avowed by all, as that upon which we are to proceed in dealing with different religions in Ireland, is to treat them equally. This is not a principle avowed by this side alone, but by the late Prime Minister twenty-five years ago, and by the late Government when, through Lord Mayo, they proposed that all Churches should be equal. I confess that I heard that declaration with joy, because I thought that a new era would commence for Ireland. I must admit, however, that the measures which the late Government proposed were very inadequate to produce anything like religious equality in Ireland. Where the inequality is most felt is in parishes where the Protestant clergymen is paid by the State, has a good church and a fair residence, while, as the noble Duke (the Duke of Cleveland) told us, the Roman Catholic priest depends for his sustenance upon the contributions of his flock, conducts the service of his Church in a barn or in the open air, and dwells in what is no better than a hovel. Can your Lordships feel surprised that the Irish people, influenced as they are by their priests, should be dissatisfied with a state of inequality such as that? I admit fairly that, theoretically, it might be equality if no houses were given to the clergy of any denomination, and if the Protestant ministers were compelled to buy their houses as the Roman Catholic clergy are. But while this might be theoretical equality, I do not think that, practically, in the sight of the people of Ireland, it would be so. You would have a Protestant minister in a good house, the Roman Catholic priest in a hovel. The people who saw this would not know what price had been paid by the Protestant minister. He would see the difference, he would not ask how it came about; and I do not believe he would feel that the minsters of his religion had been treated on a footing of equality. If, however, you place the ministers of both religions upon an equality—I, of course, include the Presbyterians—if the Roman Catholics see their priests in decent manses, with gardens—it will then be patent to them that, thanks to the Legislature, the principle of equality upon which we profess to act has been carried out, not only in theory but in fact. I was surprised to hear from the noble Duke that in Ireland the feeling is that this plan will not work. Now, I have heard opinions expressed by many Irishmen — Protestants and Catholics — landlords well acquainted with the country, deeply interested in its welfare, and, with the exception of a few gentlemen from the North, whose opinions might be naturally anticipated, and they believe and declare that this is the one measure which would be acceptable in Ireland, and which, more than any other measure, would produce peace and contentment among the mass of the people. Your Lordships will remember that we are dealing with an Irish question, and that we are dealing with Irish money; and upon a question of that kind, I think it is wise and politic to be guided by the advice of those Irish gentlemen who are best acquainted with the question, and who have the deepest interest in its satisfactory settlement. I cannot see that the Amendment is any serious infringement upon the principle on which the Government have acted in framing their Bill, or that they are precluded fron adopting the advice of some of their best friends on this subject. Principles when carried to an extreme are apt to degenerate into harshness. The question is, how we can best attain that which is considered by the wisest men of all parties to be the end sought for. In saying this I do not shut my eyes to the difficulties of the Government, and I do not attach much importance to the declarations which have been quoted to-night, because they were made without that full knowledge of the subject which was necessary before dealing with the same. It is true that some of these declarations appear to be inconsistent with the course now proposed. On the other hand, it is indisputable that, though not bound by these assurances, some Members of the Government have given assurances which are in conformity with the principle of the Amendment. But, my Lords, let us see what our position now is. We have given houses and glebes to the Protestant clergy. Are we prepared so far to depart from the principle of equality, upon which, as we all avow, this Bill is to be based, by giving these advantages to Protestants and not to Roman Catholics? If so, do you hope to restore peace and content to Ireland, when the only ground of such a hope was the treatment of the Churches of Ireland upon a footing of equality? I am well aware that, in dealing with this subject, one other difficulty presents itself, which was alluded to by the right rev. Prelate, and which consists in the opinions of a considerable number of the supporters of the Government in the House of Commons—a party strongly opposed both to Roman Catholicism and to endowments—I mean the Nonconformists. We who know what we owe to their exertions in the cause of liberty, both civil and religious, will not be disposed to disregard their feelings. But anyone acquainted with the history of this country knows that English Nonconformists have never served their country better than by sometimes sacrificing their own immediate interest and feeling for the general good. If they have a strong feeling upon this question, I believe they never could make a sacrifice of feeling for a better purpose than in supporting a measure like this. If it be true, as I believe it is, that all moderate Irishmen, of whatever party, consider that some such plan as that now before your Lordships is better calculated than any other to promote peace and good-will throughout Ireland, I cannot but think that the Government and their supporters will do well to accept the measure, if it be carried by a large majority in this House, as I hope and trust it will be. It is well that this measure should pass, and an end be put to religious discord in Ireland, and if it can only be done by the sacrifice of some amount of feeling, I hope that the sacrifice will be cheerfully made for the promotion of that which we all have at heart—the peace and contentment of Ireland, without which the Empire will never be strong nor prosperous.

Earl GRANVILLE and the Earl of CARNARVON rose to address the House. On the latter giving way—

EARL GRANVILLE said: The noble Earl opposite will, no doubt, take the same line of policy as has been advocated by the noble Viscount who has just addressed your Lordships, and I think it is time that some Member of Her Majesty's Government should explain the opinions entertained by the Government with regard to the Motion of the noble Duke (the Duke of Cleveland). Much as I shall regret voting against any proposition made by the noble Duke, that feeling of regret will be increased by the moderation with which he expressed himself during the greater part of his speech, in which he enunciated principles with which I entirely agree. Indeed, if I have any fault at all to find with the noble Duke, it is on account of the humility with which he consented to an arrangement that has not, I think, proved very satisfactory, although in a practical point of view it has puzzled some noble Lords with respect to the way in which they should record their votes. I am also bound to say I also think his humility was misplaced when he so very much preferred the words he has moved to those which he originally intended to move, for it really does not appear to me that the Amendment now under consideration is particularly well worded. I will make but one criticism upon it. I find that the intention of the Amendment is to give to the Catholics and Presbyterians the advantages which would be offered to the disestablished Church with regard to the residences and glebe lands of the clergy. With regard to the Irish Church, applications are very properly to be made by the representative body of that Church. The applications on behalf of Presbyterians are to be made by the General Assembly, and those on behalf of the Roman Catholics by the Roman Catholic Prelates. But, as far as I can understand the Amendment, the see houses and lands proposed to be given to the Roman Catholic Prelates can only be granted on the application of the new representative body of the Irish Church. Therefore, as far as the wording of the Amendment goes, I think the noble Duke ought to have been a little more careful. My Lords, I agree personally with many of the principles of that large toleration which the noble Duke has dilated upon to-night. With respect to the endowment of the Roman Catholic religion, if circumstances were not such as they are, I should not object personally to some arrangement similar to that proposed by the noble Duke, though smaller in degree; but I do not at all join with him in that larger, and, as it is considered, that statesmanlike view that by endowing the Roman Catholics we should obtain a sort of control, partly of a political and partly of an ecclesiastical character, which I believe nothing on earth would induce the Roman Catholics to accept, and which would be so fatal a power to possess that I believe it would lead the Protestant Government of this country into a confusion and a mess from which it could not possibly extricate itself. I should be sorry to say that I thought the very superior residences of the Protestant clergy ought not to be compensated for by equally good residences for the Catholic clergy. Indeed, I do not disguise from your Lordships the fact that many of my Colleagues have publicly stated this to be their opinion; but this is not the whole consideration of the matter; it is not for a Legislative Assembly or for a Government merely to consider the question exactly as a debating society would, and to discuss whether certain details might not in the abstract be better than others. We had to consider—and no Government in this country will ever succeed in carrying a great measure unless they do consider—what are the wishes of the nation at large. On this point I have no doubt whatever. We have been told that this is no question of concurrent endowment. The noble Duke said that what he proposed was a very different thing from concurrent endowment; but that what the noble and learned Lord (Lord Westbury) proposed—namely, to give £2,000,000 to the Roman Catholics—did amount to endowment. I confess that I am unable to perceive the distinction. If you propose to give not only to the Irish Church of the future, but also to the Catholics and the Presbyterians, the right of claiming from you residences for their clergy and gardens comprising ten acres of land, I cannot understand that that does not amount to an endowment; and, as to the sum to be bestowed, I am unable to see the slightest distinction in principle between paying £500,000 or £1,000,000 or £2,000,000 in order to grant such valuable property to the different religious bodies. The way in which your Lordships promote this Amendment indicates to me that at the bottom of your hearts you believe that the concurrent endowment you recommend is entirely opposed to the feelings of the great majority "elsewhere," who have been able to carry this great, but much-blamed, measure, as far as it has at present gone, to so successful a conclusion. We are all aware that a large portion of the people of the country understood that Her Majesty's late Government sketched out some plan of concurrent endowment. Well, the scheme was not withdrawn by the late Government, but entirely denied. It was said by them that concurrent endowment was not their intention; and I must say that that explanation has been confirmed by the course taken to-night by the noble Duke opposite (the Duke of Marlborough), and by the noble and learned Lord (Lord Cairns). But, if anything can be more clear than another it is the use that was made at the elections of the supposed scheme. Indeed, now that the electioneering bustle is over, I may, perhaps, say that it was rather unfairly used; but it was certainly one of the weapons by means of which, the glorious majority in favour of the Government was returned to the House of Commons. Then, when the Resolutions were under discussion, were there many voices raised in the House of Commons in favour of concurrent endowment? I certainly am not aware that there were. In this House two or three noble Lords stated the opinions they held on this subject, and what was the result? They had absolutely no support. The noble Duke (the Duke of Cleveland) has stated this evening that his Motion is contrary to the principle of the Bill, and the right rev. Prelate who followed him (the Bishop of Gloucester and Bristol), and who argued in its favour, admitted that there was a little difficulty. That difficulty was that in his opinion neither the constituencies nor their representatives were sufficiently educated at present—"prepared," I think, was the word—to agree to such a proposal. And the noble Duke (the Duke of Marlborough) stated in the most emphatic terms that if we had adopted at the time of the elections the cry of concurrent endowment, the verdict of the country, instead of being in our favour, would have been exactly the reverse. Now, what has happened since that time? This Bill has been prepared by men who understood the feelings of their countrymen, and who knew it was impossible to do what some of us abstractedly would have wished to do. That Bill was presented to the House of Commons, which did not pass it without paying great attention to it. The question of concurrent endowment was raised by some few hon. Members; but as soon as one of them sat down, another, in exactly the same position as regards politics, rose to entirely repudiate the idea, and by the great majority on both sides of the House, a strong feeling was expressed against the proposed change. My Lords, I believe—and I never said anything with more sincerity in my life—that the great majority of the House of Commons will not agree to such an Amendment as the present; and, when we find so many noble Lords on the opposite side of this House who are ready to vote for concurrent endowment, we ought not entirely to lose sight of the fact that in the other House the great Conservative party have not given any sign in favour of the proposed change. I admit, indeed, that there has been a change of opinion in this House. The language used last year by my noble Friend on the cross-Benches, (Earl Grey), and by the noble Earl at the table (Earl Russell) met with the chilliest reception; but now the same language has been received most unexpectedly with great approbation and applause in various quarters. I am exceedingly rejoiced at this, for it gives the greatest pleasure to notice the significant fact that even in this House, which is somewhat slow in adopting new ideas, the general principles of equality among religions are more widely spread than they were before. Individually, too, I feel some satisfaction at finding that the opinions which I have entertained so long should have met with more general support than they have gained hitherto. But whether it will be wise, fair, and statesmanlike for Her Majesty's Government, at the instance of some individual Peers, to change the policy they have adopted with regard to this Bill, I must leave your Lordships on both sides of the House to decide.

THE EARL OF HARDWICKE: I was one who voted against the second reading of the Bill, because I thought it went to destroy the Constitution of England in one of its most important features. I think that if the great revolution is to commence in Ireland, we ought to do everything in our power to soften the asperities of the measure. I am one of those who think that while we are dealing with this property we should endeavour to put the Protestant Church on the best possible footing—that we should take measures so to soften this policy as that the Protestant Church may reap all the benefit we can secure for her. I should like to see the tithe rent-charge and the other property of the Church, which is now to be handed over to secular uses and to the relief of the county cess, again used in the service of Almighty God. And that is why I should wish to make an arrangement by which the large sum to be realized by the sale of the rent-charge would be given among the various religions of Ireland. I believe that by that means we should gain for the Protestants in that country a very large slice; and it is for that alone that I would do it. It is not that I am very anxious to endow Roman Catholicism; but that I should like to get the best terms I could for the Protestant Church, instead of this property being devoted to secular purposes. If the question now before us were merely the taking of a portion of this money, and building houses for the Roman Catholic clergy with it, I would vote for it, excepting for one thing, and that is, that I am desirous as a Member of this House, to agree with my countrymen. I feel sure that this proposal is more hateful to the people of England than anything we could offer them. I differ from them; but I think that if the measure went down to the House of Commons with this Amendment in it they would reject it, and great confusion and difficulty would be the result. I must therefore vote against this Amendment.

LORD ATHLUMNEY said, he believed that the peace, prosperity, and happiness of Ireland would, in a great measure, depend on the manner in which their Lordships dealt with the proposal now before them. He had long been a friend to the principle of concurrent endowment; and now that an opportunity presented itself to him of giving a vote in favour of that principle, although applied in a very small and modified form, he could not consistently with his own conscientious feelings refrain from embracing it. And really, remembering that that was a measure professedly for the pacification of Ireland—that it was meant to be, as had been said, "a message of peace" to that country, it was astonishing that, in that discussion, Ireland seemed altogether to be left out of sight, and they were considering how they should please this person and that person, this constituency and that constituency, just as though the feelings of the people of Ireland were of no account. That was not the way to satisfy Ireland on that solemn occasion. The great reason which he had heard urged against the adoption of that principle was that the great body of the Irish people—that was to say, the Roman Catholics, represented by their Prelates and those in whom they trusted—were unwilling to receive at the hands of the Parliament of England any endowment of any kind for their Church. But their Lordships should recollect that they now stood on a totally different footing from that which they had hitherto occupied. They had now taken the all-important step of disestablishing the Protestant Church in Ireland. He had voted for the disestablishment of that Church without hesitation, but still with much pain; because, by many whom he loved and revered, it was regarded as a mortal blow to the Cuhcrh to which he belonged. Yet he believed that he had voted according to the dictates of justice and of right. The Protestant people of England would never have submitted for one year to an injustice like that involved in the Establishment of the Irish Church had it been inflicted on themselves; and now they were endeavouring, in that matter, to do to others as they would have others do to them. It might have been possible in past times—in Mr. Pitt's time, and perhaps later—to have endowed the Roman Catholic Church in Ireland; and perhaps at that time the Prelates of that Church, and those who were trusted by the people of that country, might possibly have accepted such endowment. But while Parliament was lingering and refusing to adopt that course, the Irish people were being educated; and, being educated, they acquired that sense of independence which always accompanies education; and as long as the Irish Protestant Church remained established, they never would have received any endowment whatever from the British Parliament. The common phrase was—"Oh, pay the priests, and they will be quiet." That was not the way to settle that question. But now the Protestant Church was disestablished—ascendancy was at an end; the Irish Roman Catholics stood on the same common platform of religious equality with the rest of their fellow-subjects, as far as regarded any stigma upon their religion. Their Lordships were now concerned with only the very minor question of disendowment. The Protestant Church being disestablished, if, in a spirit of frankness and of kindness, they were to say to the Roman Catholic Prelates of Ireland — "Now that ascendancy is at an end, now that the stigma of inferiority is removed from you, there are certain funds belonging to the State for religious purposes. Will you, without any onerous or improper conditions, without any undue interference—will you, as our fellow-subjects, now accept at the hands of Parliament such a sum of money as will provide for the clergy of your Church suitable residences?" If the offer were made in that spirit and manner, he believed it would not be rejected. In a certain sense that might, of course, be called an endowment; but it was so only in an indirect and very modified way, and many of the stoutest and strictest Irish Protestants would not oppose it. If the money were to be given directly to Roman Catholic chapels, such persons, no doubt, would resist the proposal. But if those same Protestants were told—"We are not asking you for money for chapels, nor for a direct contribution towards the maintenance of the Roman Catholic religion in any way whatsoever, but will you give something towards providing a suitable residence for the priest of the parish?" He believed that hundreds and thousands of the Protestants of Ireland, who would not subscribe for a chapel, would gladly put their hands in their pockets for that object. They were standing in a new position, and his noble Friend proposed that the Roman Catholic priests should share in the kindness of the State. He could not agree in the sentiments of the noble Lord who had just sat down. If those sentiments were to prevail he feared the prospects before them in Ireland were very alarming. But he did not believe that the people of England would take the view of the matter which the noble Lord suggested. He believed that if they explained to the people of England what it was they asked for; that it was not a grant from the Consolidated Fund to be expended in the direct encouragement of Popery—if it was explained to them that all that was asked for was that Irish money should be expended in providing decent residences for the priests of the great majority of the Irish people, his conviction of the sense of justice and fairness of the people of this country was such that he did not believe they would refuse. He believed that they would cheerfully assent to the expenditure of the money for such a purpose. His strong and decided conviction was that the success of this measure, as a message of peace to Ireland, depended upon their treatment of this question. He voted in the majority that the glebe houses should be preserved for the Protestants—he wished the same advantage to be extended to the Roman Catholics and the Presbyterians. But he would say this, that even if they refused the glebes to Roman Catholics and Presbyterians, and decided as they had decided, to give them to the Protestant Episcopalians, he believed in his heart that the Roman Catholics would not object. The people were a generous, kind-hearted, and forgiving people. Since this Bill had been brought forward he had never—to the credit of the Roman Catholics he must say it—heard from them a single word or song of triumph. On the contrary, he had heard this—aye, and from the lips of Roman Catholic priests too—that they would be sorry to see the clergymen of the Established Church deprived of their glebes and manses. Such being the feelings of the people, he would say this, that this particular proposition, beyond any other that could be devised, would have a beneficial effect. He did not mean to say that this was the only measure that was necessary, or that it would have an immediate effect on the tranquillity of the country. But he said this, that this measure was the necessary and indispensable foundation of every other measure. It was in this spirit that he would vote in favour of the Amendment, being confident that the offer would not be refused by the Roman Catholic priests. But even if the offer were refused—though he trusted it would not be — still the offer would be kindly received by the Roman Catholics. Above all it would be kindly received by the poor mountain peasant who was devotedly attached to his priest, and to whom it would be a source of joy and congratulation if he saw a glebe and a small piece of land set apart for the use of his priest by the country. He apologized for having detained their Lordships, but having been all his life connected with Ireland, he could not refrain from expressing his opinion on this measure, which he believed would draw closer than ever the bond of union between the two countries.

Lord CAIRNS: My Lords, when this large and important subject was introduced for the first time to the Committee, I did not venture to trouble your Lordships with any observations upon it, because I thought it better to reserve my remarks until the direct issue was raised. I now desire, in the first place, to enter my dissent from what fell from the noble Viscount who sits at the table (Viscount Halifax) when he said that we are now about to vote upon a proposition which really was part and parcel of the question upon which we last divided, and that it was impossible to adopt one without the other. The noble Viscount went so far as to say that my noble Friend who sits below the Gangway (the Marquess of Salisbury) had proposed the Amendment upon which we lately divided as part of this entire proposition; but I venture now to repeat that I at least am of opinion that these are two entirely distinct propositions. If the present question had not been proposed to-night at all, I venture to think the division upon the last question would have been exactly the same as it was. We supported that Amendment on its own merits, standing alone; and, whatever may be the conclusion come to upon the present proposal of the noble Duke (the Duke of Cleveland), I venture to think the merits of the former Amendment would remain entirely unaffected. It is a singular thing that when we are some way advanced in Committee with this Bill — a Bill which has passed through all its stages in the other House of Parliament, after some three months' discussion, and which occupied some amount of your Lordships' time on the Motion for the second reading—and we are now for the first time in the whole history of this controversy, I might almost say, if the subject were not too serious, at the fag end of a great contest, confronted with a proposition which, as regards the principle on which it is founded and the extent to which it may be carried, changes the entire face of the controversy which has hitherto prevailed. Now, I do not know whether any of your Lordships have taken the trouble to consider, even in a rough way, the extent to which this proposal would go. The noble Duke who introduced it said it was a very small matter, and that it was not worthy of being described by that sonorous description "concurrent or indiscriminate endowment." My Lords, I care very little about names; but I think we had better understand exactly what is the substance with which we are invited to deal. The proposal is, in the first place, to provide dwellings and ten acres of land for the clergy of various denominations, and I will take the Roman Catholic Church first. I am right in saying that in Ireland there are 1,000 Roman Catholic parishes; the division is not the same as the division is in the Established Church, but some of these parishes are extremely large. It would be impossible to suppose that the duty of the whole parish could be done by one priest, or that there were not several congregations in the same parish; but I put it at the low estimate of a house for each parish. Now, the proposition is to provide glebes when there is no sufficient place of residence. My Lords, there is no doubt that there are no residences at all in several of those parishes, and only poor ones in many others; but without being disrespectful to any denomination, I say that if it be given out that at the end of two or three years sufficient houses will be provided with glebes in those parishes where the houses are not sufficient there will not be a parish in Ireland where you will find a sufficient ministerial residence. Therefore, my first calculation that 1,000 Roman Catholic residences would be asked for is not an exaggerated one; the congregations that receive the *Regium Donum* number 500; and thus, for Roman Catholics and Presbyterians, we get 1,500. But noble Lords suppose there is nobody else to talk about. What about the Methodists? They are a respectable body, and very numerous, and as well worthy of glebes and residences as other denominations. The Independents or Congregationalists have been overlooked; they also must be treated in the same way. What about the Church now established? What is the position of the congregations of that Church? There are 1,500 parishes, but only about 1,000 residences and glebes. Therefore you have over 500 parishes unprovided for; and, unfortunately, these are the parishes with the largest congregations, and for which the provision is most needed. The Bill omits all consideration of what are called district churches, whose congregations are large, and for which in hardly any instance is there a glebe or residence. All these facts produce in my mind this conviction—under this scheme it is impossible to imagine you will require to provide a smaller number of residences and glebes than 2,000; and I believe 2,500 would be much nearer the mark. If you remember that you will require ten acres of land for each residence just where land is most valuable, and that you must build houses of some pretensions, I do not think it is at all a high estimate to say that the annual value of land and house may be put down at £60 a year. Take 2,000 or 2,500 glebes and houses worth £60 a year, and you get a capital sum of between £2,000,000 and £3,000,000—nearer £3,000,000, which it is proposed to take out of the funds of the Church. Do not let us use fine names which people out-of-doors will not understand. They will understand this to be a provision for the clergy of all denominations to the extent of £60 a year. If you do not call it concurrent and general endowment, depend upon it the people of this country will. I cannot understand those who say that £200 a year is an endowment, but that £60 a year is so small a sum that it is not worth the name of endowment. That is not a theory which will be adopted in this country. Therefore, as regards the principle of this proposal, I maintain there is no difference whatever between what is now proposed and a general proposal to divide the whole surplus between the different denominations in Ireland. I can understand the argument that the proposition is more expedient and better for the various denominations than one to divide the surplus; but in point of principle it is much the same thing. I never disguised my own opinion; I am not in favour of indiscriminate endowment. I see many reasons against it; and I own frankly I have not heard any reasons advanced sufficient to alter my opinion. I am not going to trouble your Lordships now with arguments in favour of my opinions, or observations to show the fallacy of contrary opinions, because there is a question altogether preliminary. It is this—What will be the effect of any legislation of this kind commencing in your Lordships' House, and taking the form proposed by the noble Duke? The right rev. Prelate who presides over the diocese of St. David's said the other night that the whole principle of this question was long since settled; that twenty years ago, when you assented to the grant to Maynooth, a principle was adopted, and that this was nothing more than following up the same principle. I could not help thinking at the moment that the right rev. Prelate had forgotten that by this Bill we were winding up and closing the question of Maynooth; and one of the strong reasons for winding-up the question of this Bill is that is has been found so troublesome and it has caused so much uneasiness in this country that it was quite evident that when the ecclesiastical arrangements of Ireland came to be considered it would be necessary to put an end to the grant to the establishment. I do not think any of your Lordships would consider it a wise or an expedient thing to revive the Maynooth agitation. I foresee that the adoption of the Amendment of the noble Duke, in the present state of the public mind, would have no effect in the country short of an agitation similar to that which occurred at the time the Maynooth Grant was made. The noble Earl (Earl Granville) fairly, but not accurately, referred to what happened last year. Lord Mayo made a statement in the House of Commons which was by some persons held to amount to an opinion expressed in favour of concurrent endowment. My noble Friend denied the justice of that interpretation of his words. I am quite prepared to admit that while the last Government were in Office they were responsible for words uttered by any Member of their body, and were bound to submit to any fair criticism which might be made upon them. I am equally free to state that, agreeing with my noble Friend that the interpretation placed upon his words was an unfair interpretation, I must add this also, that the interpretation represented a policy which not only never was adopted but never was considered by the Government of the day. But what was the consequence of that construction attempted to be put upon the words of Lord Mayo? In the first place the present Prime Minister said that these words, interpreted as he interpreted them, were the origin of his Motion upon the subject of the Irish Church. What happened at the elections? There was hardly a speech made by the Prime Minister in the county of Lancaster in which he did not refer to the declaration of Lord Mayo, and to his interpretation of it; and in which he did not hold it up to the people of the country as a declaration in favour of or tending to concurrent endowment, and in which he did not ask for support upon the ground and plea that he was opposed to any policy of that kind. Not only was it so, but this was done in such a way as to put altogether out of the question the suggestion that has fallen from the noble Lord who has just sat down. He said that what the people were afraid of was that there would be some taxation for the purpose of concurrent endowment. The whole question at the elections was this—"What are you going to do with the money taken from the Irish Church? How are you going to apply the surplus?" Was not that question asked at every hustings? Was not every candidate pledged to oppose any attempt to apply any portion of it to the support of any religion? The noble Earl said fairly that any Liberal candidate who had gone down to the country and said—"I am for disestablishing and disendowing the Irish Church; but I will give compensation for Maynooth and the *Regium Donum* out of the proceeds, and I will divide the remainder among the various denominations in Ireland," might as well have returned to London without going to the poll. Again, how did it come to pass that this question was never brought to a vote by any Amendment proposed in the House of Commons? I fully believe that many Members of the House of Commons—and I daresay on both sides of the House—in a private room would say that the tendency of their private opinion was towards adopting the principle of concurrent endowment; yet so utterly hopeless was it to make any proposition of the kind in the House of Commons that I believe no Amendment of the kind, even if one were put upon the Paper, of which I am not sure, was ever brought to a vote in the progress of the Bill. The right rev. Prelate (the Bishop of Gloucester and Bristol) said it was our business to lead public opinion. That is not the principle acted upon as regards the second reading of the Bill; and I do not think your Lordships professed to lead public opinion. If I am right in saying that this whole matter was before the nation at the late elections; that the verdict of the country was pronounced in favour of those who had declared themselves opposed on any terms to concurrent endowment, it is rather a strong proposition to say that we are to attempt to lead public opinion, not by speeches, not by arguments, but by means of Amendments in a measure of this kind, introduced at the last moment after it has passed the House of Commons. I will ask you to consider this — Suppose the House of Commons were to reject the Amendment, what are you prepared to do? Are you prepared to go to an issue with the House of Commons upon this Amendment—to ask the country whether you or the House of Commons are right:—That is the question we have to consider. It is not whether we can, by our speeches, lead the people of the country to think that our matured opinion is right and theirs wrong, but whether we can persuade the country we are right in altering this measure without the country having an opportunity to express an opinion different from that which it has already expressed. A noble Lord asked last night—"Why talk about the House of Commons?" And he said the question was what the people of Ireland wanted? So far as I can learn, the Protestants of Ireland are opposed to the policy of this Amendment; and I have not heard anything which justifies the belief that the Catholics of Ireland are in favour of it. Unfortunately—and I think it is an answer to what has fallen from the noble Lord—by the constitution of this country you are obliged to legislate for Ireland through the medium of the constituencies of England and Scotland, with, of course, Ireland as well, and you are obliged to be guided by the opinion of the constituencies of the three countries, so that you are not at liberty to act upon the undivided opinion of Ireland, even if you were satisfied that that opinion had been or could be obtained. Now, I would ask your Lordships' attention to another point, one connected with the surplus. We have talked, hitherto, about a surplus as if we were dealing with a Budget which had been introduced in happy times by the Chancellor of the Exchequer, and by which we should have a few millions to dispose of in any manner we thought proper. But I am afraid that is not exactly the case, and I want you to consider whether there is any surplus to come from this Bill. Now, there was one observation made which your Lordships may remember. Mr. Gladstone said the first question was, what was the amount of the revenue of the Irish Church. He said the Commissioners who had examined into the matter had put it down at £600,000 a year, but that, he thought, the true figure would be about £700,000. Personally, I think the safer course would be to assume that the Commissioners, who bestowed very great care upon this subject, and who had materials before them upon which to form a tolerably accurate opinion, were more likely to be right than the Prime Minister. If the annual revenue is £600,000 the whole property would only amount to £13,700,000; if the annual revenue is £700,000 the amount of the capital would be £16,000,000. Now, I will assume that £600,000 is the true figure, and then we shall have a capital of £13,700,000. Now, the charges upon that are not less than £9,000,000, so that your surplus could only amount to £4,700,000. And we have heard of such things as a surplus apparently considerable turning out to be very much less than was expected. But assume that you have the expected surplus of £4,700,000. If I am correct in my conclusions with regard to the glebes there will go £3,000,000. Then, too, as the matter now stands the Commissioners will not be able to touch 1*s.* of the property for two and a-half years. The first things they have to do will be to compensate the owners of life interests and to provide for all the expenses of carrying on this gigantic operation in which they will be engaged, and anyone looking at the work they have to do, the sales they have to effect, and the length of time they have to carry things over, will, I think, acknowledge that I am not overstating the matter when I say that no considerable or substantial amount of surplus can be in their hands and be at their disposal in less than from five to ten years. Now, I ask, is it a wise thing for us to be allocating in so uncertain a manner a surplus that, even if realized, will not be in our hands for five or ten years? And how can you tell what will be the state of public opinion five years hence? The matter will not be in the least degree more settled by your proceeding at once to allocate this money. Do you think, supposing you determine the application of this money now, that your determination will be allowed to stand supposing at the end of five years there should be a change in public opinion? They will tear your arrangement to pieces and will laugh at you as they would at a man who writes down what he will do with his money ten years hence. Now, in arguing this question, I have not stated what my opinion is upon the question of concurrent endowment; but I will frankly state that I think a very great change has occurred in public opinion, and that in the metropolis, and I may even say in Parliament itself, there has been a change of opinion on the subject of concurrent endowments. I will not venture to prophesy either one way or another, but it is very possible that on this point public opinion may be matured and brought to look at the matter in a very different light from that in which it is at present regarded. But if you are anxious that public opinion should be brought to favour your view, you will only thwart and injure your own prospects by attempting to force this principle upon them before they are prepared to receive it, and when it is tolerably certain they will not agree with you. It is for these reasons that I have placed upon the Paper an Amendment, which, though this is not the moment when I am to propose it, it is impossible for me to pass over in silence. What I propose is when we have gone through the other provisions of this Bill, simply to provide that the surplus of this property should remain at the disposal of Parliament hereafter. With this view I propose to remove from the Bill those portions which relate to the application of the surplus, and to omit from the Preamble those words which have been so generally objected to, and which prescribe in what direct manner the surplus property of the Church shall now be applied. The noble Earl who introduced this measure told us that a friend had said to him—"You may get on very well with the rest of this measure, but you will find yourselves in difficulty as soon as you get to the surplus clauses." The noble Earl regarded it as a matter for congratulation that that prophecy had not been borne out by what had occurred but since the Bill has reached your Lordships' House, the noble Earl must, I think, have altered his opinion, because no portion of the Bill has been subjected to more criticism than that which provides for the fantastic application of the surplus that I have described. Now, my Lords, we have arrived at a stage of the deliberatious on this measure when we have got rid of those eloquent perorations in which its charitable merits have been so much vaunted; but in reality it is in aid of those persons who, if left alone, would have to provide for these charities themselves. Therefore, we are not at all embarrassed by any of those moving descriptions of the humane effects of the Bill with which we have been so frequently favoured. We know what it is. It is a provision in aid of the county cess. I would, therefore, suggest to noble Lords who are anxious that these funds should be applied in the direction indicated by the noble Duke, whether it would not be really better for the present to suspend the application of this surplus for a time. Let us see what the opinion of the country is upon the point. If it is in favour of the noble Duke, depend upon it the plan he suggests will be adopted; if it is against the plan, its postponement can do no harm, because it will only offend the country to place a provision of this kind in the Bill. There is one other observation, and only one, I have to make. I do not want to criticize the Amendment of the noble Duke, but I desire to call attention to the utter impracticability of the plan he proposes. It fails to deal with the various denominations with which you must deal if you are going to adopt a policy of indiscriminate and concurrent endowment. Again, has the noble Duke considered what is to be done with this property? Has it occurred to him to appoint those to whom it is to belong? Is he going to provide that these various endowments should be inalienable, because if that is not the case they may be turned into money the next day, and so all his solicitude about the fixed and settled comfort of the ministers of the various denominations will be thrown away? These are all matters which require to be considered in dealing with a matter of this kind. But I only point to these things for the purpose of directing the noble Duke's attention to the want of finish about his proposal. It is undoubtedly a crude proposal, and one which might have been as well suggested in the form of a Resolution. My objections stand on a broad ground. I do not say that public opinion may not in the end turn out differently from what I expect; but I think that the proposition is calculated to do more harm than good, and therefore I must give my vote against it.

THE MARQUESS OF SALISBURY: I have observed that the proposal now before your Lordships has been advocated entirely on principle, while the various objections taken to it have all been on detail. I think it is better we should take the issue simply on the principle, and not on mere questions of machinery. No one can have listened to the able speeches of my noble Friends without feeling that there is this singular peculiarity in the arguments used in this debate—that on the side of those who support the Amendment the arguments all went to the substance of the matter. They all relied upon the benefits which this proposal would confer upon Ireland, and upon the effect which it would have in reconciling the Irish people to English rule—in converting the Irish priesthood, by no forced or severe means, into friends of social order and supporters of British rule. They pointed out the wretched condition of the pauper priests of a pauper population, and they reminded us that their position could be raised without any imposition of taxes on the people, but simply by the application of the large surplus already at your disposal; and they asked whether, if you passed over such real and terrible distress, which it is in your power to alleviate, you will not be inflicting a deeper insult and injury than that which it is the object of the Bill to remove? This has been the character of the arguments addressed to you in favour of the Amendment, and they have been enforced so ably by the noble Lords who have used them, that I should be wasting your Lordships' time and patience if I were to attempt to travel over the ground again. But what has been said on the other side? Has any statesman got up and said the policy of concurrent endowment is wrong? Has any statesman stood up and said that the policy of concurrent endowment is inexpedient? Has anybody stated the opinions of any distinguished statesman against it? Have we not, on the contrary, had a most extraordinary *catena* of distinguished opinion in favour of it? The names of those who were ever used to walking in the paths of conserving ancient institutions; the names of those who certainly never supported any revolutionary changes; the names of Pitt, of Castlereagh, of Wellington and Peel, can be quoted in support of this proposal, not to mention a host of living men; and can anyone say that the principle is inexpedient or wrong? There has been one string, and only one, on which those who oppose the Amendment have harped—namely, that it would not please the constituencies of the country. My noble and learned Friend (Lord Cairns) met the point frankly, after his wont, and said that we should be acting inconsistently with the principle on which we read the Bill the second time if we did not recognize and abide by the opinion of the constituencies against concurrent endowment. Now, I was one of those who voted for the second reading on the ground of the verdict of the nation. But I must for myself protest that I never intended any such application of that vote as that which my noble and learned Friend has made. I do not look merely to the verdict of the nation as delivered at the election, though I fully acknowledge that as one element for our consideration. But I venture to take a further and a wider range of view. I ask what are the grounds upon which opinion is formed—what is the feeling among the educated class? Whether in any quarter of the political horizon I could see the signs of a different feeling, or whether, indeed, the spirit of the age was against us, and there was no appearance of our views being adopted? Will anyone tell me that the "No Popery" cry is the goal towards which the nation is travelling? That is a feeling which has influenced many parts of our history, and which, no doubt, is powerful still; but will anyone say that it is on the increase, or that it is likely at any future election to govern the policy of the country, or to decide the councils of statesmen? Is not the case precisely the reverse? I believe that feeling to be old and decayed, though undoubtedly it once existed; but, on the contary, I think the opposite feeling, embodied in the Amendment of the noble Duke (the Duke of Cleveland), is a young and a growing one. It is the opinion entertained almost universally among those classes of society where opinion is formed, and from which it extends down to the masses. Nothing is more remarkable than the gradual fading away of that "No Popery" feeling which used to be so powerful. Anybody who recollects even the state of public agitation at the time of Papal aggression, and the violence that marked it, and compares it with the feeling of the present day in regard to Roman Catholicism, will be struck by the enormous change that has taken place. My noble Friend has said that in both Houses of Parliament, and in London society, opinion is advancing rapidly in favour of concurrent endowment. This case is not a hopeless one. On the contrary, every year adds strength to it. The question then arises—what is the duty of the Members of this House in respect of this question? I frankly own that I think the opinion of the constituencies has been over-rated on this point. We do not allow for the play and exigencies of our electioneering machinery. We have a large number of voters probably equally divided between the two parties of the State, and attached to them by habit and feeling, but not caring very keenly for political opinions. Between them come those people who have strong opinions, and who are perfectly ready to join the standard of that candidate who will swallow their particular Shibboleth. Now, I believe, the Nonconformists have acted on this question just in the manner which is so familiar to us in the case of what is called the Permissive Bill. They go to a candidate and say—"Take our cry or renounce our support;" and the candidate, who finds no counter enthusiasm on the other side, is obliged to accept the condition on pain of losing the seat. But it is quite a mistake to suppose that the opinions of persons who may possess such influence as that at elections represent to a large extent the deliberate opinion of the country. Well, what is the duty of the House of Lords in this case? I do not address myself to those who have conscientious objection to the Amendment. I leave them to reconcile, as best they may, with their opinions the fact that we also sustain in our colonies the Roman Catholic religion, that a large grant is annually paid out of the Imperial Exchequer for the support of a Roman Catholic educational institution—nay, that all the surplus of the Bill, as at present constructed, will infallibly go into the hands of monks and nuns. But those noble Lords who believe in their hearts that the Amendment is right are oppressed, perhaps, by the fear that the constituencies will not accept it, and the House of Commons will reject it. I will ask them to consider whether that is taking a fair and proper view of the function of the House. I do not ask whether the Government will accept the Amendment or not. If the Government be got into difficulties by making electioneering promises that they ought not to have made, it is not our business to extricate them; nor do I ask whether this Amendment will be santioned in the first instance. I do not know if the House of Commons will take upon itself the responsibility of jeopardizing the Bill rather than accept the Amendment. I believe that that would be an enormous responsibility for them to assume, knowing, as we all do, that the opinion of the majority of the Members is really in favour of the policy of the Amendment. But, whatever the course they might adopt, I venture to remind your Lordships that unless you raise a standard, you cannot expect men to flock to it—unless you have the courage to act upon your opinions, you cannot expect them to prevail. I am sure that the shadow of an opinion in this country falls upon men's minds long after the substance and life of it have passed away; and, if you wish to dispel this evil spectre of the "No Popery" cry, you must be courageous. Some one must "bell the cat." If you wish your countrymen to consider this question fairly, you must fairly bring it under their notice. This is the duty and function of the House of Lords. Your maxim should be—"Be just, and fear not." For myself, whatever may be the opinion of noble Lords, I cannot refuse my vote for the Amendment, which I believe to be just in itself; which, to my mind, is the only one that opens any tolerable hope of pacifying Ireland; and which, in my opinion, is the only one that gives any compensation for the motley evils which I believe the Bill will bring upon her.

THE EARL OF KIMBERLEY: I wish, my Lords, very briefly to state why I entirely concur in the course taken by the Government with reference to the question now under our consideration. The noble Marquess (the Marquess of Salisbury) has spoken with great force as to the progress of opinion with respect to it. In dealing with it—and it is a question on which, as having had charge for a time of the Government of Ireland, I have much reflected—I am bound to confess that it would, in my opinion, be probably the wisest and safest mode of settling this difficult subject to have recourse to what is called a scheme of concurrent endowment. The question is one, I may add, which was fully discussed before the present Bill was submitted to the consideration of the country. In 1866 my noble Friend the noble Earl on the cross-Benches (Earl Grey) brought the subject before this House, when he made a Motion by which he proposed to your Lordships an elaborate scheme of concurrent endowment. That scheme, however, met with no support in the country. Again, in 1867, my noble Friend who formerly held the Office of Prime Minister (Earl Russell) brought the question again under the consideration of the House. He, too, contemplated a system of concurrent endowment, and I voted with him on that occasion; but we were but 38, and there was a majority of 52 against us. I supported my noble Friend on the ground that I thought his Motion afforded a very fair opportunity of trying the pulse of the country on the subject. I entirely differ from those who think that the opinion of the country has been favourable to the scheme of concurrent endowment. It seems to me that you fall into a grave error when, in dealing with a question of this kind, you pay regard merely to the private conversations or the private opinions of men, however eminent, and cite them in support of your argument as against public demonstrations of opinion. What has been the course of opinion in Ireland upon this question? The noble Duke the late President of the Council (the Duke of Marlborough) referred to-night to a resolution which was passed by the Roman Catholic Prelates on the subject in 1867. I will not go back so far. Observe what occurred quite lately. There has been a meeting of the principal members of the Established Church, and they have declared against concurrent endowment. Then, again, at a meeting of the Presbyterian Assembly within a few days, it was in the most decided terms declared that in no form or shape would they consent to a proposal for "levelling up," as it is termed. I am not now saying whether they are wise or not in adopting this course; but I must look to these authoritative meetings, rather than to the expression of private opinions, to ascertain the views of the country on the subject. And now let me ask your Lordships to consider for a moment whether the general course of opinion throughout the world is in favour of concurrent endowment. Whatever may be our opinions or our natural desire to maintain the Established Church in this country—and I, for one, as a member of it, most earnestly desire to see it maintained—I cannot conceive how anyone who watches the changes of opinion in the world can fail to observe that that opinion, instead of being in favour of general endowment, is tending more and more towards the voluntary system. To turn that current of opinion I believe to be beyond even the great abilities of the noble Marquess, and the great authority of this House. The noble Marquess has alluded to the "No Popery" cry, and has said that he thinks it is fast fading away. In that respect I agree with him; but if you wish to prevent that diminution of fanaticism at which I, for one, greatly rejoice, and to retard the progress of toleration, you can, I venture to say, take no better course to secure your object than to pass this Amendment. Depend upon it, the people of England and Scotland feel really upon this subject. I regret that feeling should prevail as it does in some quarters; but you must not look upon the views of the people of England and Scotland on the question as mere fanaticism and bigotry. Those views are deeply connected with our Protestant institutions, and wise men and statesmen ought, I think, to hesitate to confront them directly, while they continue to exist. There is one other point to which I wish to advert before I sit down. The noble Marquess opposite appealed to the great names of Pitt, Fox, the Duke of Wellington, and Sir Robert Peel in support of his argument. Now, I have great respect for the authority of those great men. I have studied their opinions on this subject, and I have been greatly influenced in my opinion by them; but, is it not somewhat remarkable that, notwithstanding the high positions which they occupied in the councils of their country, their great power, and the eloquence which they were able to bring to bear in support of their views, they were totally unable to carry into practice their opinions on this question of concurrent endowment? Why, then, my Lords, may we not plead the same reason which prevented them from giving effect to their views, and acknowledge that we are obliged to look to the general wish of the nation? In dealing with a matter of this kind you must look at the measure as a whole, and this Amendment concerns but a small detail. But, although a detail, it is not consistent with the principle of the Bill, and your Lordships will not, I hope, therefore, adopt it.

Earl RUSSELL: I wish to say a few words before the House goes to a division, for I own I look upon this as a most important question. We must recollect that in dealing with it we do not stand in the same position as we did at the beginning of the evening. A great change has been introduced into the Bill by the Amendment moved by the noble Marquess opposite (the Marquess of Salisbury), which, in fact, adds £100,000 to the £200,000 that was before proposed to be given to the disestablished Protestant Church. A noble Earl (the Earl of Denbigh), who is very much attached to the noble Earl (the Earl of Derby) opposite, wrote to him a letter last year, publicly declaring that he was obliged to separate from his political course upon the Suspensory Bill, inasmuch as the contrast between the position of the Protestant and Roman Catholic clergymen was odious and offensive in his eyes. Your Lordships are told that if you do not reject this Amendment serious consequences will ensue. But if you do reject it, after adding to the endowment of the Protestant Church, what will happen? In the eyes of the Roman Catholics of Ireland this will be the position—that the House of Commons and the Government proposed a considerable endowment for the purpose of furnishing residences and glebe lands to the Protestant clergy, while the Government, the House of Commons, and the House of Lords refused to give any money whatever, or any part of the large surplus which they declare to be in their control, for the purpose of providing residences for the parish priests of the Roman Catholics of Ireland. When the announcement goes to Ireland that such is the determination of the Government, aggravated by the decision of the House of Lords, what can it produce but a new sense of degradation — a new feeling of bitterness against the Government of England, that acts in a manner so unequal? To announce to the parish priests that not 1*d*. will be given to benefit their condition, while you are dealing liberally and generously with the clergy of another and smaller denomination must, I say, be productive of very great evils in Ireland. What it was hoped would prove a message of peace will, in reality, aggravate the bitterness that exists. Much stress has been laid to-night upon the word "endowment," but the word is misapplied when it is used in reference to this proposal. This is quite clear, that a Church which is separated from the State, but accepts a certain number of glebe houses for its parish priests, cannot be called either an endowed or an Established Church. Under the Amendment of my noble Friend (the Duke of Cleveland) neither the present Church of Ireland, the Roman Catholic, nor the Presbyterian Church would be established or endowed; and it would be contrary to all ordinary words of speech to treat them so. Nobody calls the Roman Catholic Church endowed because it has the grant to

Maynooth; and nobody calls the Presbyterian an endowed Church because it has the *Regium Donum.* But I say the effect of carrying this Amendment would be to spread a feeling of satisfaction throughout the Roman Catholic body, clergy, and laity, for the parish priests of Ireland would then say—"We are no longer neglected or frowned upon; we are no longer excluded from measures of justice; our houses are comfortable, and we ourselves are treated with fairness." My Lords, there is one thing more. The topic has been much insisted upon that Ministers have no free will in the matter, and are bound by the result of the last election. There have been Ministers in former times, who by dissolving Parliament have suddenly obtained great majorities in the House of Commons. It was done by Mr. Pitt, it was done by Lord Grey, it was done by Sir Robert Peel, and by Lord Palmerston; but I have always thought that, on those occasions, the General Elections having been advised by high-minded men, these great Ministers were not thereby placed in a position of degradation, but that a large and generous confidence was given to them by the people of England. Now, my belief is that, when the election was held last November, a similar confidence was extended to Mr. Gladstone, who had declared that he meant to disestablish and disendow the Church, and not to erect any new Church in its place. To that policy the people of England will expect him to be faithful, and no doubt he will be; but the people of England never insisted on his introducing a new kind of penal exclusion, making the Catholic priesthood and the people of Ireland more bitterly offended than ever they were before. I believe further, that if, after this measure were passed, the state of Ireland became worse than before the people of this country would reproach the Government with the step which they had taken, and would not accept the plea that the mischief was done in following out the orders of the people themselves. And if your Lordships came to the conclusion that it was for the peace and welfare of Ireland that by some solid proof the Catholic people and priesthood should be led to feel that they were hereafter to receive equal justice and to be well governed, so far from being blamed for what they had done, the Government would receive that reward which would be justly due to Ministers who had healed the wounds of many centuries.

THE BISHOP OF OXFORD: I venture to ask your Lordships to allow one of the Bench on which I sit to say a very few words in explanation of the vote I am about to give. In voting, as I intend to do, for the Amendment of the noble Duke (the Duke of Cleveland), I cannot profess that I do so with any desire whatever of advancing the Roman Catholic priests of Ireland. But I think there are three very important points to consider, and I earnestly desire your Lordships to consider them: they are these, that in the Roman Catholic faith there is the first element of Catholicism, and secondly, the element of Romanism. As far as you promote the power of the teachers of that faith by promoting the element of Catholicism, you strengthen them in the work which you desire they should do. As far as you help them to set forward the peculiar views which over and above Catholicism divide their teaching from the teaching of the early Church, you make them the great legionaries of Romanism in the land. I believe that by giving to the Roman Catholic priesthood in Ireland the status and position of holding these glebe houses independently, you will enable them to maintain for themselves a liberty of teaching which it is of the utmost importance that they should be enabled to preserve. And therefore it is—and not because I have any sympathy with the peculiarities of their teaching—that I heartily desire to help them out of the sectional difficulties of their position into something like a grander and more general teaching of Christianity. And as far as that portion of the subject goes, I shall give my vote fearlessly and openly for giving them these glebes. I do not think this is a question of concurrent endowment at all. You have a certain surplus, and in bestowing a portion of it in this way you are not endowing any particular form of Christianity. The evil of so doing lies in making it the paid servant of the State from year to year. What do you do by this proposition more than you have done with regard to Maynooth? You are winding up the question, once for all, and you are not creating any fund for the sustentation of a particular religion. It is said that the sum proposed to be given is large; but, after all, what is it you are taking from the £8,000,000 of Church property? It seems to me therefore, that this is a question which your Lordships ought to settle. The noble and learned Lord (Lord Cairns) talked about the importance of this House leading the opinion of the country by speeches, and not by votes. But when were Englishmen ever led by words, unaccompanied by deeds? It has always been said that the difference between the English armies and other armies was that the ordinary officer said, "Gentlemen, go on!"—while the English officer said "Gentlemen, follow me!" In the same way, your speeches here may be as loud as you like; but you will not carry public opinion with you, unless you show that you have the courage to follow up your words by the necessary action. If that is the case, it seems to me that we have at this moment the duty set upon us of showing that we are not afraid of doing that which we believe to be right. I make the greatest possible allowance for the Government in not proposing such a measure as this. All Governments must be subject to a certain gentle pressure. I believe that the convictions of every noble Lord upon the Ministerial Bench are with me in this matter; but they are not able to march with us, unless they receive a gentle pressure, to which I believe they will yield with the greatest possible satisfaction. I believe that the country at large, after a very short space of time, will agree with you in the justice of this measure. For what is it you are going to do? The question is not between the Church of Ireland and these competing religious bodies. If it were, however bigoted I may be thought for saying so, I would not give one single halfpenny of the Church's money to any competing sect. The question is, when you have created a considerable surplus of money, whether you are to give it to the Roman Catholics, not as an endowment, but in a form which will give to the Roman Catholic priest and the Presbyterian teacher a certain independence which will lift him above the position in which he is at present? It is on this ground that I venture to say, in common with every statesmen for these many years past who has dared to state his opinion on this subject, that I believe you will, in passing this Amendment, be doing an act of consummate policy, as well as of the greatest justice, in so administering these remaining funds.

THE EARL OF DENBIGH: In justice to myself and to the Catholic Peers who will act with me, I wish to explain the vote that I shall be obliged to give on this question. I cannot do otherwise than express, on the part of all the Catholics in this kingdom, our grateful acknowledgments to those—more especially the noble Duke (the Duke of Cleveland) and the noble and learned Lord (Lord Cairns)—who, during this discussion, have so generously advocated the claims of the Catholics of Ireland. It may be thought an act of cowardice to have abstained from voting on the last Amendment which was before the House, and I wish to explain why I did abstain. I have felt the greatest desire to act generously towards all our fellow-Protestants who are affected by this Bill, but I could not vote for that Amendment, because in the way in which it was put to the House by the noble and learned Lord (Lord Cairns) it would certainly appear unjust in the eyes of the country. I fully acquit the noble and learned Lord of any wish to rest that Amendment upon grounds of injustice; but I say that if it goes to the country as it does now it will have an air of strong injustice. I therefore abstained from voting on that proposal. With regard to the present Amendment, the noble Duke (the Duke of Marlborough) who spoke this evening said that the Catholic clergy had distinctly repudiated all participation in any State grant. No doubt they did so, because they wished to acquit themselves of all appearance of sordid motives in supporting the Bill, and did not desire to embarrass the Government. But I have informed myself of the views of the Catholics on this subject, and I am convinced that if such a measure as this were offered as an act of justice—of pure justice—it would not be refused. It may be thought that the vote I am about to give against this Amendment is inconsistent with that view. I wish to explain, therefore, why I cannot support the Amendment. It has been said that this is not concurrent endowment; but I feel convinced that the country itself will look upon it as concurrent endowment. I cannot hide from myself that the feeling of the country is decidedly against concurrent endowment. The Government also have spoken plainly on the subject, and have said that they will not accept this plan. If, therefore, I support it, I shall perhaps be helping to do that which may endanger the Bill. Now, the Irish set great store by this Bill. The other day I presided at a meeting attended by 1,000 Irishmen belonging to the working classes. The Bill was only spoken of incidentally, but it elicited a universal expression of kindly feeling towards England, because they felt that England now desired to act justly towards Ireland. To risk the loss of this Bill would be an immense injury to Ireland; and for these reasons, though very reluctantly, I shall feel it my duty, in common with other Catholic Peers, to vote against the Amendment.

THE ARCHBISHOP OF CANTERBURY: It is quite impossible for me to give my vote without saying a few words, the more so as I do not quite agree with my right rev. Brother (the Bishop of Oxford) in the reasons which will guide his vote on this question. My reason for supporting the Amendment of the noble Duke (the Duke of Cleveland) is this—that ever since I was able to think on politics I have conceived that the policy indicated by the noble Earl (Earl Russell) who lately addressed the House was the only policy likely to bring peace to Ireland. I have in my humble way supported that policy in matters of education. I have supported it in the matter of the Queen's Colleges. I have always thought it right and fair that the Maynooth Grant should be made. I have thought that, though we were not bound in Ireland, as in Canada, by an actual treaty, yet, being brought into close relations with our Roman Catholic brethren, we could not deny them that small meed of justice which the Maynooth Grant gave them without treating them as if they were our slaves. Therefore, when an opportunity occurs—unexpectedly to me, not willingly—and I am called upon to say whether I still maintain the policy which I have always supported, I am constrained to adhere to the opinions which I have entertained for the last twenty years. In doing so I am consoled by the thought that, after all, there is no difference in principle, though there is considerable difference in policy, between the two proposals before the Committee. And upon the whole, as the noble Marquess (the Marquess of Salisbury) said, I prefer making a respectable secular priest comfortable in his house to paying an indefinite number of monks and nuns for services in lunatic and other asylums, and think that the Amendment supports that form of Romanism which is the least objectionable. I believe the day has passed long ago when you could say that you did not recognize the existence of Romanism in Ireland. I believe I am not wrong in saying that a fair salary—two-thirds above that given to any Protestant clergyman—is given in every union in Ireland to the priest out of the poor rate. And I think that this is just, because a vast majority of the poor are Roman Catholics; they must be attended to by somebody, and as they cannot be attended to by the Protestant clergyman, the Roman Catholic priest must be employed and paid for his services. I know also that this mode of paying the chaplain of the workhouse really provides a Roman Catholic curate in a very large number of parishes in Ireland, because the priest has a salary far larger than is required for his service in the workhouse, and the greater part of his time is spent in teaching Roman Catholics who are not in the poor house. This being the case, it appears to me to be something not very real to say that there is a great principle at stake in an Amendment which proposes to put the Roman Catholic priests into comfortable dwellings. The only thing to make one hesitate to do this is that the money, unlike the money in the case of the workhouses, and unlike that which used to be voted for Maynooth, comes out of the funds of the Irish Church. Still, it must be remembered that that money is to be taken from the Church and applied to Irish purposes. Being forced to pronounce an opinion between what seems to me the sham scheme proposed by the Government as to the disposal of the surplus and the real scheme of the noble Duke, I shall record my vote in favour of the latter.

On Question, That the words proposed to be left out stand part of the Clause? —Their Lordships *divided:* — Contents 146; Not-Contents 113: Majority 33.

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Seymour, L. (*E. St. Maur.*)
Skelmersdale, L.
Somerhill, L. (*M. Clanricarde.*) [*Teller.*]
Stanley of Alderley, L.
Stratheden, L.
Strathnairn, L.
Sudeley, L.
Talbot de Malahide, L.
Taunton, L.
Templemore, L.
Vernon, L.
Vivian, L.
Wharncliffe, L.

*Resolved* in the *Affirmative.*

Clause *agreed to.*

House *resumed.*

House to be in Committee again on *Monday* next.

House adjourned at a quarter before One o'clock, A.M., to Monday next, Eleven o'clock.

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# HOUSE OF COMMONS,

*Friday, 2nd July,* 1869.

MINUTES.] — SELECT COMMITTEE — *Report* — Registration of Voters [No. 294].

PUBLIC BILLS—*Committee*—Contagious Diseases (Animals) (No. 2) (*re-comm.*)* [103]—R.P.

*Committee—Report*—University Tests [15].

*Considered as amended*—Assessed Rates [178].

The House met at Two of the clock.

## CATTLE PLAGUE IN ROUMANIA.

### QUESTION.

MR. TURNOR said, he wished to ask the Vice President of the Committee of Council on Education, Whether any steps have been taken to procure a Report by a competent Veterinary Surgeon on the Cattle Plague in Roumania, in accordance with a suggestion made by Her Majesty's Consul at Jassy in a Despatch dated January 1st, 1869?

MR. W. E. FORSTER, in reply, said, the Despatch referred to by the hon. Member was duly considered by his noble Friend the President of the Council; and, after having fully weighed the matter and the other information the Government possessed on the subject, he did not think it was a case in respect to which the Treasury should be asked to go to the expense of procuring a Report.

## ASSESSED RATES BILL.

(*Mr. Goschen, Mr. Secretary Bruce, Mr. John Bright.*)

### [BILL 178.] CONSIDERATION.

Bill, as amended, *considered.*

MR. GOSCHEN *moved* after Clause 7, to insert the following clause:—

(Owners to give lists of occupiers and liable to penalty for wilful omission.)

"Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds."

COLONEL DYOTT said, he objected to the clause. The simplest plan to effect the object in view would be to introduce into the valuation list another column giving the composition value, in addition to the columns of the gross annual and net annual value. If that was done owners would not be needlessly worried by penalties and requiring them to give notice.

MR. GOSCHEN said, this was not a new clause at all; but two sub-sections of the Bill as it stood before had been taken and embodied in the clause as a matter of convenience.

Clause (Owners to give lists of occupiers and liable to penalty for wilful omission,)—(*Mr. Goschen,*)—*brought up,* and read the first and second time, with a blank, and *committed; considered* in Committee, and *reported,* with an Amendment; as amended, *added.*

MR. SAMUELSON said, he rose to move a clause, the object of which was to make owners who omitted to pay rates before the 5th of June liable to forfeit the commission. His wish was to secure that the parish should receive the rates punctually; and if that was not done by the owners paying the rates within a reasonable time they had no right to receive the commission. Hoping that the Bill would put an end to a vicious system, he begged to move after Clause 4, to insert the following clause:—

(Owners omitting to pay rates before the fifth day of June to forfeit commission.)

"When an owner who has become liable to pay the poor rate omits or neglects to pay, before the fifth day of June in any year, any rate or any instalment thereof which has become due previously to the preceding fifth day of January, and has been duly demanded by a demand-note delivered to him or left at his usual or last known place of abode, he shall not be entitled to deduct or receive any commission, abatement, or allowance to which he would, except for such omission or neglect, be entitled under this Act, but shall be liable to pay, and shall pay, such rate or instalment in full."

MR. VERNON HARCOURT said, he entirely sympathized with the object of the hon. Gentleman (Mr. Samuelson); but there was a difficulty in the way of the application of his principle. If the owner of a property made default in his rates he would be fined by being deprived of the commission he would otherwise be entitled to; that was all proper. But, on the other hand, if the owner became insolvent and could not pay, the rate would fall upon the occupier; and by this Amendment he also would have to pay the full rate; and it might happen that this full rate might be larger than the amount of his rent that remained to pay. It was a balance of advantages and disadvantages, and he would leave it to his right hon. Friend the President of the Poor Law Board to decide between them.

MR. GOSCHEN said, he thought that under the circumstances, the House would do well to accept the proposed clause, as he thought that the probable hardship of its operation upon the occupier would be very remote.

Clause *agreed to* and *added* to the Bill.

SIR HENRY SELWIN-IBBETSON *moved*, after Clause 17 to insert the following clause:—

(List of defaulters.)

"Before any revising barrister shall proceed with the revision of the list of voters for any parish or place, the overseer of such parish or place shall submit a list, verified by his signature, to such revising barrister, of all parties who shall have made default in payment of their rates, as required by the provisions of this Act or of the Representation of the People Act of 1867."

Clause (List of defaulters,) — (*Sir Henry Selwin-Ibbetson,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. A. PEEL said, he was unable on the part of the Government to accede to the proposal of the hon. Baronet, as he regarded it as superfluous, and calculated to interfere with the performance of the duties of the Revising Barrister.

Motion and Clause, by leave, *withdrawn*.

MR. CHADWICK *moved*, in page 1, line 9, to leave out "hereditament," and insert "of a rateable value not exceeding twenty pounds, if situated in the metropolis, and ten pounds, if situated elsewhere."

Amendment proposed,

In page 1, line 9, after the word "hereditament," to insert the words "of a rateable value not exceeding twenty pounds, if situated in the metropolis, and ten pounds, if situated elsewhere." (*Mr. Chadwick.*)

Question proposed, "That those words be there inserted."

MR. GOSCHEN said, he was unable to agree to the Amendment. The principle applied to all property which was held by the tenant or occupier on short terms, that he should not pay a rate which extended beyond the period of his occupation.

Amendment, by leave, *withdrawn*.

COLONEL BARTTELOT moved, in clause 3, sub-section 3, line 11, to leave out "twenty," and insert "sixteen." He objected to the extravagance of the distinction that was proposed to be made between the metropolis and other towns, for he believed the rents of houses in Liverpool, for instance, were as high as those in London. His proposition would be fairer to the metropolis itself.

SIR CHARLES DILKE said, he objected to any alteration of the limit of £20 for the metropolis. The figure of £16 would make it only a half Bill for London, because the vast amount of the property which was compounded for in London was between £20 and £16. Nearly all the local Acts had adopted £20, and therefore that was the fitting line.

MR. HOLMS said, he would willingly support Liverpool in obtaining something above the line fixed on its case; but he regarded the circumstances of London as exceptional. Every year improvements in the construction of railways were driving the poorer classes out of their dwellings in the metropolis towards the east and the south of the town, causing an increase in the rents of the habitations of the humbler classes.

Even in clearing the piece of ground in Carey Street a large number of the poor were driven to Southwark and elsewhere. He felt certain that the reduction of the limit to £16 would only lead to renewed agitation and evasion.

SIR MICHAEL HICKS-BEACH said, he had arrived at the conclusion, from all the evidence he had been able to gather, that the line of £20 was too high for the metropolis, and he should, therefore support the proposition of the hon. and gallant Member (Colonel Barttelot).

MR. GOSCHEN said, he had investigated this matter afresh, in order to be certain whether £20 was too high. He would submit the result to the House, and ask whether they were not of opinion that the limit with respect to the metropolis should remain as it originally stood. The question was, what was the average number of houses, in different places, below a given line. He would take first an £8 line. In London there were only 18 per cent of male occupations below £8, while in Birmingham there were 67 per cent, in Liverpool 26 per cent, and in Manchester 54 per cent. It was clear, therefore, that in London there were scarcely any houses below £8. Taking a £10 line, there were in London only 25 per cent of male occupations below that line, against 72 per cent in Birmingham, 67 per cent in Manchester, and 41 per cent in Liverpool. Taking a £20 line, the total number of male occupations in London below that line was 51 per cent—that was, the line of £20 for London would not include the same percentage of male occupations as would be included in Birmingham and Manchester at the line of £8. As regarded the percentage of houses, £20 in London was about equivalent to £8 in Manchester. He, therefore, put it to the House whether £20 was not a fair line for the metropolis. He was quite ready to consider the case of Liverpool when they came to it.

MR. MELLY said, he hoped the Government would stand firm to the £20 line for the metropolis. He wished to restore the compounder to his former position.

MR. GRAVES said, that he was opposed at first to such a difference between London and other large towns, but an examination of the statistics had convinced him that £20 was not too high for London.

MR. COLLINS said, he hoped the hon. Member for West Sussex (Colonel Barttelot) would withdraw his Amendment, though he thought the £20 line too high.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 1, line 19, after the word "exceed," to leave out the words "the amount hereinafter specified," in order to insert the words "twenty pounds, if the hereditament is situate in the metropolis, or eight pounds, if situate elsewhere,"—(*Mr. Goschen,*)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Bill," put, and *negatived.*

Question proposed, "That the words 'twenty pounds, if the hereditament is situate in the metropolis, or eight pounds, if situate elsewhere,' be there inserted."

Amendment proposed to the said proposed Amendment,

After the word "metropolis," to insert the words "or exceeds thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool."—(*Mr. Rathbone.*)

Question, "That those words be there inserted," put, and *agreed to.*

Amendment proposed,

In Clause 3, section 3, page 2, line 11, after "metropolis," to insert, "or exceeds ten pounds if situate in towns containing at the last Census over two hundred and fifty thousand inhabitants."—(*Mr. Bazley.*)

MR. GOSCHEN said, he had no objection on principle to make exceptions of Manchester and Birmingham. At the same time he had shown that an £8 line gave the same percentage of houses there that a £20 line gave for London.

MR. CHADWICK said, he did not think the question should be settled by the proportion of houses below a certain line. That had nothing to do with the justice of the case. He objected to a sliding scale for three large towns. If Birmingham and Manchester were included, why not Salford, which really formed part of Manchester?

SIR MICHAEL HICKS-BEACH said, he would suggest that Manchester and Liverpool should be included in the same category, and then we should have three classes, one for the metropolis, one for Manchester and Liverpool, and one for the rest of the country.

MR. DIXON said, he hoped the Government would accept the Amendment of the hon. Member for Manchester (Mr.

Bazley). The limit £10 would give much greater satisfaction to the people of Birmingham than £8. Birmingham was almost entirely inhabited by working men, the proportion of wealthy residents being very much smaller than in other larger towns. What they ought to do was to try to find the same limit for houses of the same class.

Mr. BAZLEY said, that the President of the Poor Law Board had offered to fix the limit at £20 for the metropolis, £13 for Liverpool, £10 for Manchester and Birmingham, and £8 elsewhere, and to that proposal he would accede.

Mr. GOSCHEN said, that a suggestion had been made which, he thought, was a good one, that the rateable value of any hereditament should not exceed in the metropolis £20, in Liverpool £13, in Manchester and Birmingham £10, and elsewhere £8.

Another Amendment proposed to the said proposed Amendment, as amended,

After the word "Liverpool," to insert the words "or exceeds ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham."—(*Mr. Goschen.*)

Question, "That those words be there inserted," put, and *agreed to.*

Mr. HENLEY said, that the limit being fixed at £8 for all the country except these three large towns, there would still remain a great discrepancy between, say a town of 100,000 inhabitants, and a village of 500. Under the operation of the Bill the rates of every small beer-house in the country and every small quantity of land of one or two acres would be reduced 30 per cent. It seemed to him impossible to get one uniform plan which would be just alike to the towns and to the villages. Was the right hon. Gentleman wise, therefore, in altering the figure of £6? He knew that as regarded towns £6 was wholly insufficient, but the right hon. Gentleman was hardly wise in raising it to £8 all over the country.

Mr. CHADWICK said, he wished to substitute the word "eight" for "ten," except in the metropolis and those excepted towns. As the clause stood many thousands of houses in the neighbourhood of Salford and Manchester could not be compounded for. He moved to leave out the words "eight pounds," and insert the words "ten pounds," and he should divide the House upon the question.

Amendment proposed to the said proposed Amendment, as amended, to leave out the words "eight pounds," and insert the words "ten pounds,"—(*Mr. Chadwick,*)—instead thereof.

Colonel BARTTELOT said, he trusted that the hon. Member (Mr. Chadwick) would not divide the House upon his Amendment. £8 was quite high enough for the country at large.

Mr. CANDLISH said, he thought that the Amendment of the hon. Member if adopted would operate most unjustly throughout the country. Instead of raising the figure to £10 he should prefer seeing it lowered to £6.

Mr. GOSCHEN said, he could not accede to the proposal of the hon. Member (Mr. Chadwick).

Question, "That the words 'eight pounds' stand part of the said proposed Amendment, as amended," put, and *agreed to.*

Question,

"That the words 'twenty pounds, if the hereditament is situate in the metropolis, or exceeds thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or exceeds ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere,' be inserted after the word 'exceed,' in page 1, line 19, of the Bill,"

—put, and *agreed to.*

Amendment, as amended, made.

Mr. VILLIERS *moved,* in page 2, line 13, to leave out the words "dwelling houses," and insert the words "rateable hereditaments" instead thereof.

Amendment proposed, in page 2, line 13, to leave out the words "dwelling houses," and insert the words "rateable hereditaments,"—(*Mr. Villiers,*)—instead thereof.

Sir MICHAEL HICKS-BEACH said, he hoped the Government would not consent to the proposed Amendment. The words might apply to a garden or a field, and the effect would be that some persons would be unduly favoured in their rates at the expense of others.

Mr. HENLEY said, he thought that the Amendment of the right hon Gentleman opposite (Mr. Villiers) went too far, because it would permit naked land to be excused 30 per cent of the rates, which was obviously unjust. It was a pity that the exact words of the Small

Tenements Act had not been adopted in framing the Bill.

Mr. LOCKE said, he did not see why compounding should not be applicable to land or gardens as well as to dwelling houses.

Mr. GOSCHEN said, there were difficulties on both sides; but as, upon consideration, he thought that "dwelling houses" might be too narrow an interpretation, he would accept the Amendment.

Question put, "That the words 'dwelling houses' stand part of the Bill."

The House *divided*:—Ayes 121; Noes 219: Majority 98.

Sir MICHAEL HICKS-BEACH said, he thought that, in consequence of the adoption of the Amendment, some words should be added to the end of the clause providing that the clause should not be applicable to any rateable hereditaments in which a dwelling house was not included.

Amendment *moved*, to add to the clause—

"Provided, this clause shall not be applicable to any rateable hereditament in which a dwelling house shall not be included."—*Sir Michael Hicks-Beach.*

Mr. WALTER said, he believed the general feeling of the House to be, that though the words "dwelling houses" ought to be struck out of the clause as being too narrow, the words "rateable hereditaments" were too wide, and he would suggest the insertion, after the words "rateable hereditaments," of the words "other than land separately let."

Mr. GOSCHEN said, he thought that the words suggested by the hon. Baronet (Sir Michael Hicks-Beach) would provide for the object which the hon. Member for Berkshire had in view, and he was ready to adopt those words.

Question, "That the words 'rateable hereditaments' be there inserted," put, and *agreed to.*

Amendment made.

Other Amendments made.

Bill to be read the third time upon *Monday* next.

## UNIVERSITY TESTS BILL.

(*Mr. Solicitor General, Mr. Bouverie, Mr. Grant Duff.*)

[BILL 15.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Sir ROUNDELL PALMER moved the omission, from Clause 3, of the words relating to the Colleges within the Universities.

Amendment *agreed to.*

Sir ROUNDELL PALMER then said, he rose to move, after Clause 5, to insert the following clause:—

(Form of declaration to be subscribed by professors and others at Universities.)

"Every person hereafter to be elected or appointed to any professorship in the said Universities, or either of them, or to the office of tutor or lecturer in any College within the same, shall, before he shall be deemed capable of entering upon or discharging the duties of such office, or entitled to receive the emoluments thereof, make and subscribe, before the Vice Chancellor of the University, or before the head or other chief governor of his College (as the case may be), the declaration following:—'I, A. B., do solemnly and sincerely declare that as [here describe his office], and in discharge of the said office, I will never endeavour, directly or indirectly, to teach or inculcate any opinion opposed to the Divine authority of the Holy Scriptures, or to the doctrine or discipline of the Church of England as by law established.'"

They all knew the old proverb, give a dog a bad name and something unpleasant happened to him. A bad name had been given to this proposed clause by some Members on both sides of the House; it had been described as a new test. But if he thought it deserved that name in a sense material to the matter in hand he should not have proposed it. It was nothing of the kind. It was simply a declaration to be made, to a great extent, in the very words which Parliament had thought fit to require from the Scotch lay Professors when tests were abolished in the Scotch Universities. It did not contemplate any declaration of religious belief or disbelief in any tenet whatever, but was simply a negative promise that the person assuming the teaching office in the University, or one of the Colleges, would not endeavour directly or indirectly to teach or inculcate any opinion opposed to the Divine authority of Holy Scriptures, or to the doctrine or discipline of the Church of England as by law established. He should be surprised to learn that any hon. Member of that House was prepared to say that it would be right to permit any Professor or Tutor to teach *ex cathedrâ* what was opposed to the Divine authority of the Holy Scriptures, or to the doctrine or discipline of the Church of England. The declaration was merely, that he would not act in a manner inconsistent with his duty, as prescribed by the existing statutes of the Universities and Colleges, and the good sense and right feeling of every Member of the House would, he was sure, admit the propriety, in substance, of such a declaration. He had not heard that any uneasiness had been felt or shown by the Scotch lay Professors as to the extent or meaning of the obligation. The declaration did not define or explain what were the limits or nature of the Divine authority of Holy Scriptures. All the different Nonconformist bodies acknowledged their Divine authority, and the declaration did not tie any one to any particular dogma. It only required them, so far, to abstain from using their chairs or tutorships to inculcate infidelity or disbelief of Scripture on the students within the University. If they wished this Bill to pass, let them do what they could to allay the apprehensions, no doubt exaggerated and wild in some cases, which were felt by many excellent men of both Universities, that the effect of this Bill would be to undermine the legitimate authority and influence of religion. They did not intend that it should have that effect; then, he said, there was no possible reason for not making that as clear on the face of this Bill as it was on the face of the Scotch Lay Professors Act. Those who wished the Bill to be successful would, he thought, do well to accept the clause of which he had given notice, and which he begged to move.

Dr. LYON PLAYFAIR: The Scotch Members have recently seen, with gratification, several instances in which England has copied some of the laws and customs of the northern part of the Kingdom. But I doubt whether any satisfaction will be expressed by Scottish Members, on either side of the House, at the proposal of the hon. and learned Member for Richmond (Sir Roundell Palmer) to import into the English Universities this lay professorial test from the Universities of Scotland. There are two aspects to the question now before us—the first having reference to the immediate results on the persons who take the test; and the second to the proximate results on the subjects affected by the test. Now, as to the first, I freely admit that there is no strong feeling against this test among the Professors in the Universities of Scotland. The reason for this is, that it is, on the whole, considered to be innocent and irrelevant. The test does not bind the consciences of individuals or their action as members of society; it simply binds them not to introduce theological subjects into their prelections. But they have no temptation to introduce theology or any part of it into their courses, for the subject-matter involved is for the most part entirely distinct. The test, therefore, involves a disability which is little felt, and is looked upon with indifference. It is just as if you made the condition of giving a chair to a Professor of Science or Classics that he should not lecture on Buddhism or Fenianism—subjects wholly foreign and irrelevant to the branches of knowledge professed by him. Hence the test does not rasp on men's consciences, because they rarely come into contact. I signed that test ten years since, and have lectured under it since then in utter forgetfulness of its existence, for it has so degenerated into a mere formality that it is never discusssed or brought under the attention of the Professors. It is not that test which preserves religion in our Scotch Universities, but the inherent truths of religion itself. I have admitted that I am unable to oppose the Amendment of the hon. and learned Member for Richmond by any positive experience of the Scotch Professors as to the injurious effects of such a test, for its innocence and irrelevance have prevented it having any effect at all. But still I would put it seriously to the House whether it would be wise in us, when we are about to remove a strong test, to substitute another the only merit of which consists in its weakness. Your strong tests have never been able to keep back the current of truth, though that truth may, for a time, have been in opposition to the teaching of the Church. Let me cite an instance in the memory of many Members of this House. About thirty years since, the clergy of all the Churches had a general belief that the world was created in six days of twenty-four hours each. Who was it that gave the death-blow to this narrow interpretation of creation? It was a Professor of Oxford, himself in the Church, and who had taken the strong tests which we are about to remove. I have myself heard my much-lamented friend, Dean Buckland, within the precincts of Christ Church, teach those enlarged views of creation which are now universally accepted, but which then distressed many sincere members of the Church, both lay and clerical. Would it have been well for religion, or for science, or for the reputation of the University of Oxford, that these tests should have arrested the researches of the philosopher, or the exposition of the truth which these researches established? But I trifle with the subject. No test that you can devise will prevent truth from being sought for, or from being taught when it is discovered. That truth may sometimes conflict with narrow and false interpretations, but it never can conflict with truths in the Holy Scriptures. Divine truth is strong enough of itself without the aid of human laws, to clear away presumptuous errors. No doubt, the reply will be given that the test is levelled against these errors, and not against truth. Surely, in this respect, nothing could be more feeble, for if men will continue to propagate error against all evidence, sacred or profane, do you think their consciences will be chained by a declaration like this? Why, then, should we cumber our statute book with a useless test. Like all tests it would have no effect on the convictions or conduct of strong and decided men, and could only operate on tender and wavering consciences, which do not require such restrictions. Your strong tests in Oxford and Cambridge have never prevented the free expression of religious or scientific thought. Are your weak tests likely to be more successful? These tests, whether they be strong or weak, are not required for the protection of true religion, and they never do and never can muzzle science. Nevertheless, they are positively prejudicial to the subjects affected by them—that is, both to religion and science. They injure both because they assume, and by this very assumption create, an apparent, when there is no real, antagonism between religion and science. They thus prevent the alliance and diffusion of both —the diffusion of that religion which deals with man's higher spiritual nature now and for the future; and of that science which ought in itself to be a religion because its object is to elicit the infinite wisdom of the Creator, as displayed in the laws which govern created things.

MR. RAIKES said, he found it impossible to support a clause which embodied the minimum of utility with the maximum of irritation. What he objected to was not *ex cathedrâ* teaching, but that influence which could be brought to bear by constant, early, and familiar contact between persons of great ability and high academic authority and young men at the most impressionable time of life. He could not see that the clause of the hon. and learned Gentleman met that objection. But it was not merely that he believed the clause useless; he had also to consider the effect likely to be produced by it. The exclusion from University office, which at present was the law of those not members of the Church of England, might very possibly be regarded by many as an injury, but this test must be looked on as a positive and direct insult. It was not merely that a Nonconformist was excluded by somebody else, but here he was required to put the muzzle on himself, to enter the University as it were through Caudine Forks. This clause reminded him more of Mrs. Partington's attempt to keep out the Atlantic than of anything else.

MR. C. O. MORGAN said, he was glad to find there was no disposition on the part of the Committee to accept the clause. Dissenters rather than be saddled with a test of this kind would prefer to remain as they were. It was not fair to seal the lips of Nonconformists by a declaration which was utterly opposed to freedom of speech. Besides it would be useless. While in his chair a man's lips might be sealed, but the moment he quitted it he was at liberty to enter into discussion. From his experience he could say that the power of a Professor was equally great, whether speaking in the chair or out of it. If they wished to resist the inroads of unbelief it was not by such declarations as these. They might as well try to defend a mediæval fortress against the assaults of Pallisers and Armstrongs. Those tests were an anachronism. They were all very well at the time they were invented; they were useless against modern thought. He would recommend in this case the advice of the ancient lawgiver, who said 3,000 years ago—"Trust not to your intrenchments, but trust to yourselves." Let them trust to the simplicity and purity of their doctrines, because it was only by doing so they could hope to save those noble edifices from ruin by the folly of their own defenders.

Lord JOHN MANNERS said, he should have been willing to have manifested his respect for the hon. and learned Member for Richmond (Sir Roundell Palmer) by supporting the clause had it not been for the last argument of the hon. and learned Gentleman, who called upon those whom he termed his political Friends—not that there appeared to be much in common between them—to assent to the introduction of this clause if they desired that the measure should be successful. As, however, he did not wish that the measure should be successful, he should oppose the clause.

Mr. NEWDEGATE said, the question before the Committee was what are we to pay for. Were we to pay for an education adverse to the truth of the Holy Scriptures? If we had to pay for the performance of a duty, we had a right to define the duty. This Amendment was a proof of the rashness with which the House was proceeding in sweeping away the affirmative declaration. If he could not obtain a better security against the teaching of wrong doctrine, he should feel himself compelled to accept the proposition of the hon. and learned Gentleman.

Mr. SARTORIS said, the proposed clause, partaking of the character of a religious test, and being, therefore, entirely opposed to the principle of the Bill, he felt bound to refuse it his support. It would appear from some of the observations which had been made that religious teaching meant theological teaching, but he agreed with the remark of a modern historian that, while God made the Gospel, the Devil invented theology. The Bishop of Peterborough, when he made that extraordinary speech which those who had the good fortune to hear would never forget, said that the people of Wales, although Dissenters, did not differ more from the Church of England than members of that Church differed among themselves. The truth of that statement he could vouch for from his own personal experience. When he went into a church in one part of London frequented by the higher classes he heard sermons in which the fundamental doctrines of the Church of England were treated with contempt, and were almost entirely set aside; while on entering a church in another part of the metropolis he found himself in a dim religious light, while the air was impregnated with incense, and, altogether, it was difficult for him to recollect the fact that he was in smoky London instead of being in the sacred city. Those who lived in glass houses should not cast stones, and those who differed so much among themselves respecting doctrine should not attempt to define what was and what was not contrary to the doctrines of the Church of England. The clause would trench upon one of the most essential rights that the Reformation had secured for us—the right of private interpretation—and therefore, on the part of the Dissenters, he must protest against it. He had only been able to extract one practical argument from the speech of the hon. and learned Member for Richmond (Sir Roundell Palmer) and that was, that if the Bill went to "another place" with the clause which he had proposed it would have a chance of succeeding. Now, if the Bill could only pass on that condition he thought it had better not pass at all.

Mr. WALTER said, he hoped, after the opinion which had been expressed by both sides of the House upon this subject, that the hon. and learned Member (Sir Roundell Palmer) would not think it necessary to divide the Committee upon the clause he had proposed. He hardly yielded to the hon. and learned Gentleman either in attachment to the Church of England or in reverence for the Holy Scriptures; still he was by no means sure that, if he were to be appointed to any professorship in the College to which he had the honour to belong, he could conscientiously sign the proposed declaration. The hon. Member referred to the subject of theology, upon which he said it was quite possible that the feelings and the conscience of a lecturer might be embarrassed and perplexed in a very painful degree in consequence of having signed a declaration of this kind. Now, he would recall to the recollection of his hon. Friend an event which had happened within the memory of both of them in the Church of England. If there were a Professor of Oxford University who sympathized with his hon. Friend it would be that eminent divine, the Regius Professor of Hebrew. Yet he must remember that that distinguished man was not only charged with teaching doctrines which were held by the authorities to be contrary to the doctrines of the Church of England, but was suspended by those authorities. To call upon a man to sign a declaration that he would neither directly nor indirectly teach anything which should contravene the doctrines of the Church of England was a matter of such extreme delicacy and difficulty that no conscientious person could take it with any safety. Take the extreme case that some avowed infidel was appointed a Professor. The heads of Colleges and those who had the appointment of Professors, Teachers, and Lecturers had under the Bill the entire responsibility thrown upon them in regard to the fitness of the person appointed; and it was possible that, if they knew a candidate to be an Infidel or of doubtful moral character, they might not appoint him, however eminent he might be, to a responsible position in which he would have to teach the students. But this declaration would relieve them of this responsibility, and they might appoint an avowed Infidel upon the condition that if he would sign the declaration he might hold the office. He might be supposed to be charged with an unlimited power and desire of doing mischief and of imperilling the interests of religion, and yet it might be imagined he would be restrained by this miserably flimsy safeguard against propagating error. That was a state of things neither desirable for those who had the appointment nor for the Professors themselves, and these considerations would prevent him from supporting the declaration of his hon. and learned Friend.

THE SOLICITOR GENERAL said, nothing could induce him to accept this clause, which he had stated on the second reading would to his mind be fatal to the usefulness of the Bill. If by any unfortunate accident the opinion of the upper and middle classes who sent their sons to the Universities should become such as to give this test any practical operation, did his hon. and learned Friend think it would present even the feeblest obstacle to carrying that opinion into effect? The argument for these tests rested upon an assumption against which he protested. The Church of England and the Christian religion did not depend upon these tests, and were not strengthened by them, but depended upon their own truth and the arguments which might be adduced in their defence. If his hon. and learned Friend and men like him were to have the enforcing of these tests, then, if they were not mischievous, they would be perfectly harmless. But he had no such confidence, and he appealed, as his hon. Friend the Member for Berkshire (Mr. Walter) had done, to the past course of the University, and would ask whether there were not numbers of persons who would make an irritating use of such a test? He had no confidence that it would not be used for entangling those men of sensitive consciences whom it would be least desirable to exclude. Tests were not only contrary to modern legislation, and to the whole course of modern thought and inquiry, but were positively mischievous, and he must therefore oppose the clause.

SIR ROUNDELL PALMER said, that after the opinions which had been expressed he would not ask the House to divide. He agreed with almost every general opinion which had been expressed in this discussion, but what he did not perceive was their application to the subject in hand. He quite agreed that the Church of England must rely upon the truth of her doctrines, and not upon any external bulwarks, nor was it in that point of view that he proposed the clause. It was not a test at all, but a declaration, such as was made by other persons on entering upon offices, not to do certain things which he assumed to be contrary to the duties of the office. An hon. Member (Mr. Raikes) opposed this declaration on the ground that it combined the minimum of usefulness with the maximum of irritation. It might possibly be true that the usefulness of any declaration of this kind might be very small; but when an hon. Member gravely said that it would cause the maximum of irritation, this only showed that when a man got on his legs he was apt to indulge in the maximum of rhetoric with the minimum of reason and justice. If he were ambitious to be a Professor on lay subjects, either in a Scotch or Roman Catholic University—and he was neither a Presbyterian nor a Roman Catholic—he should not complain of a declaration of this kind as "Caudine Forks" or as placing a muzzle upon him, according to the language used by some hon. Members. He should not feel that he was being humiliated. He should simply feel that he was an honest man, who was ready to declare that he was not taking an office for one purpose and using it for another.

Clause, by leave, *withdrawn.*

MR. RAIKES said, having the maximum of consideration for the House, he would not press the clause of which he had given notice.

SIR ROUNDELL PALMER said, he had now to move after Clause 7 to insert the following clause:—

"(Act not to interfere with lawfully established system of religious instruction, worship, and discipline.)

"Nothing in this Act shall interfere with or affect, any further or otherwise than is hereby expressly enacted, the system of religious instruction, worship, and discipline which is now or which may hereafter be lawfully established in the said Universities respectively, or in the Colleges thereof, or any of them, or the statutes and ordinances of the said Universities and Colleges respectively, or the power of any persons having authority in the said Universities and Colleges respectively, to maintain and uphold such system of instruction, worship, and discipline, according to such statutes and ordinances."

Clause *agreed to.*

MR. FAWCETT said, he rose to move a new clause, and, as any proposition on this subject coming from him might be considered extremely dangerous, he desired to explain its nature. At the outset it was desirable for him to state that the clause was not his, but that he had been asked to bring it forward by some of the most moderate, experienced, and leading members of the University to which he had the honour to belong; and the two persons who had drawn it up were among the most influential and active of the junior members of that University. He was himself in favour of a compulsory Bill; but he felt bound not to attempt to alter the permissive character of the measure during the present Session, as the second reading was agreed to on the understanding that it was only to be permissive. The object of the clause was to carry out in its full entirety that permissive character. According to the principle of the Bill, the Colleges were to have the power to determine by themselves and of themselves whether Dissenters and others not being members of the Church of England should be admitted to College Fellowships and to positions in their Governing Bodies, and the clause he was about to move sought to enable the Colleges to exercise that power in the easiest and most inexpensive manner. The clause proposed to enact that one-third of the Fellows of a College should have power to call on the Head of a College to summon a meeting after due notice to each Fellow of the College; and if, at that meeting, the Head and Fellows determined by a majority to alter any statute affecting the right of Dissenters and others to enjoy College endowments, they should have the power of altering the College statutes for that object, without the necessity of going through the expensive and cumbrous process now requisite. He believed that there was not a single College at Cambridge which, if the Bill passed, would be able to elect a Nonconformist to a Fellowship without repealing some statute. If the Colleges wanted to alter any statutes they must get the consent of the majority of the Fellows, and that was what his proposition also would require them to do; but then they had, in addition, to apply to the Queen in Council to sanction the alteration, and that was a tedious and expensive process, the minority being entitled to be heard by counsel against it. With respect to Oxford, however, still more serious difficulties arose, for there it was absolutely necessary to get the consent of the Visitors to the alteration of the statutes, and in the great majority of cases the Visitors were Bishops, and their consent was not likely to be given to any proposal tending to admit a Dissenter. He feared that the Government would oppose his clause on the ground that it would endanger the passing of the Bill in "another place." But the clause did not affect the permissive character of the Bill, and, if the Bill was to be permissive in any respect, would it not be fair that every facility should be given to the Colleges to give effect to its permissive character? The proposal did not proceed from men of extreme opinions, but was drawn up by a moderate politician and by a distinguished scholar; and a letter in defence of it had been published by four of the most moderate and best-known residents at Cambridge University, all of them having been Tutors in the largest College of that University, and three of them being clergymen. That letter concluded thus—

> "We trust that all who have at heart the object of this Bill will support this clause. We believe that if the Bill is to remain permissive it cannot be fairly effective without some such amendment as this clause would introduce."

Clause (Holding of meetings for repeal of statutes imposing tests or disabilities,)—(*Mr. Fawcett,*)—*brought up,* and read the first time.

MR. BOUVERIE said, that no one in the House had the object of the Bill more thoroughly at heart than he had. Such a measure had been brought in by him several times, being based all along on the assumption that some Colleges, both at Oxford and at Cambridge, were willing to admit to Fellowships persons not being members of the Church of England. It was intended that, in that respect, the character of the Bill should be purely permissive. On a previous occasion Mr. Heywood, formerly a Member of that House for South Lancashire, proposed a clause with respect to Fellowships, to the effect that no religious tests whatever should be applied, and much could be said for that proposal; but the promoters of such a Bill as the present had hitherto pursued a more moderate and temperate course. He was now unwilling to depart from that line of proceeding, and he wished to point out that they could not in fairness accede to the proposition of the hon. Member for Brighton (Mr. Fawcett), without giving equal facilities to Colleges to exclude Nonconformists. The hon. Gentleman was not altogether correct in saying that the Bill could not be carried into effect in any of the Colleges without the alteration of some statute, because five of the principal Colleges at Cambridge, including Trinity College, could carry it into effect the moment it was passed. He should be sorry to give to a chance majority in some of these Colleges the power of excluding Nonconformists, which they might do by giving them, by such a clause as this, the power of admitting them. He believed it would be better to leave the measure in its present comparatively temperate and tentative form.

THE SOLICITOR GENERAL admitted that at some of the Colleges at Oxford, though there was some obscurity in the phraseology, yet it had been advised by some eminent lawyers that the Visitors would have a veto on any such change as would be necessary to the admission of Nonconformists as Fellows. In some cases the Visitors were laymen—noblemen or the Chancellors of the University; but unquestionably a great many were Bishops, who had on several occasions used, *quâ* Bishops, their power as Visitors, for the benefit of the College against the wish of the College, though repeatedly expressed, because the change proposed was thought by them to be detrimental to the interests of the Church. Sooner or later, it might be necessary to alter that; but, so far as this Bill was concerned, it would, he thought, be injudicious and unwise to go beyond its broad principle—as regarded the University making it compulsory, but leaving it permissive with the Colleges. He certainly would most strenuously oppose the clause.

MR. DENMAN said, he had received a very strong letter from Trinity College, Cambridge, of which University he had the honour at one time to be a Fellow, urging him to support the clause, because it was felt that unless some such clause passed very little would be done. He should vote with his hon. Friend the Member for Brighton (Mr. Fawcett) if he pressed the clause to a division, but he questioned whether it would be wise to do so. The clause was objectionable in one respect, however. It proposed that a third of the Fellows of a College should have power to require the Head of that College to summon a meeting, and then a bare majority of the meeting, however small the meeting might be—for there was no provision as to the number which should be necessary to form a meeting—would have power to alter a statute. An alteration, carried by a bare majority at a small meeting, would not be satisfactory, and it might give rise to a great deal of irritation. Under the circumstances he thought it would be better to leave legislation in the direction of this clause for another Session, when a Bill might be so drawn up as to be free from the objections which undoubtedly attached to the proposal of his hon. Friend.

MR. W. FOWLER said, if the clause were to be acted upon in the manner pointed out by the right hon. Member for

Kilmarnock (Mr. Bouverie), to exclude Nonconformists, that would be acting contrary to the spirit of the Bill, which sought to get rid of disabilities, and not to impose them. The clause had been carefully drawn up, and it was supported by high authorities at Cambridge. He should certainly vote for the clause if pressed to a division.

The SOLICITOR GENERAL said, the clause might undoubtedly have the effect which the right hon. Member for Kilmarnock attributed to it—of enabling Colleges to exclude Nonconformists; for, the words "to amend or repeal" would give power to the majority of Fellows to render the statutes more stringent for the exclusion of Nonconformists as well as to relax them for their admission.

Mr. WALTER said, he should be extremely surprised if any court of justice whatever would give that interpretation to the amendment of a statute for removing disabilities which his hon. and learned Friend (the Solicitor General) supposed possible. He could not conceive that were a College to alter its statutes in the direction of rendering disabilities more stringent, any Court would consider it an amendment. He was bound to say that, much as he disagreed with his hon. Friend the Member for Brighton (Mr. Fawcett) in wishing to impose any compulsory legislation on the Colleges, he did think that this clause was only a logical attempt to carry out the principle of the Bill, and to put the Colleges in train for applying themselves, if they thought fit, to the removal of disabilities. He did not mean to say that the words of the clause were the most effectual for their object, and he would suggest to his hon. Friend that, in any case, the meetings should not be held oftener than once in the year, otherwise dissension and quarrelling would be obviously created in the Colleges. He would vote for the clause of his hon. Friend.

Mr. WINTERBOTHAM said, he was perfectly satisfied that unless some such clause was inserted the Bill would be utterly useless. It was a mere mockery to tell Dissenters that they would be admitted if the Bishops would let them. He was informed that four-fifths of the Colleges of Oxford had Bishops for Visitors, and although the Solicitor General expected they would act in this matter without regard to their own professional views, yet everyone knew how they had interpreted their duty and acted upon it hitherto. Therefore he was saying nothing unfair when he said that they could not expect the Bishops, or any number of them, to give their assent to a statute to throw open the Colleges to Dissenters. If the construction which the Solicitor General had put on the clause was correct, it might be worth while to take time for consideration and bring up a clause on the Report, but if the hon. Member for Brighton (Mr. Fawcett) thought fit to divide at present on his clause he should vote for it.

Sir MICHAEL HICKS-BEACH said, he wished to call attention to the practical tendency of the speeches of hon. Gentlemen opposite, who were very willing to allow free thought and free action to the Fellows of Colleges when they saw that it tended to throw open the Colleges; but as soon as free thought and free action tended to close the Colleges against the admission of Dissenters, then they at once stepped forward and said they would not allow it. The hon. Member who had last spoken and the Solicitor General thought it highly objectionable that the Fellows of any College should by any vote so alter their statutes as to impose tests upon Dissenters, but if Fellows were to be allowed to alter their statutes in one way why not in another. He (Sir Michael Hicks-Beach), however, objected to giving to a temporary and fluctuating body like the Fellows the permission to alter the statutes of their College.

Mr. FAWCETT said, he should be perfectly willing, if the clause were read a second time, to accept any Amendment which might render it better suited to its purpose. He should like to put in words, as suggested by the hon. Member for Berkshire (Mr. Walter), to prevent the Colleges from being worried by too frequent applications. He was quite willing to withdraw the clause if the hon. and learned Gentleman (the Solicitor General) could convince him that it in one tittle infringed the principle of the Bill.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 147; Noes 234: Majority 87.

House *resumed*.

Bill *reported*, with Amendments, and an amended Title; as amended, to be considered upon *Monday* next.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Nine o'clock till Monday next.

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## HOUSE OF LORDS,

*Monday, 5th July,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Charity Commissioners * (170); Bishops Resignation * (171).
*Second Reading*—Companies Clauses Act (1863) Amendment * (147); Poor Law Union Loans * (148).
*Committee*—Irish Church (109).
*Committee*—*Report*—Titles of Religious Congregations Act Extension * (130).
*Third Reading*—Beerhouses, &c. * (145); Public Parks (Ireland) * (163), and *passed.*

### CONVICTION FOR FURIOUS DRIVING.

QUESTION.

THE EARL OF WINCHILSEA said, he wished to ask the noble Earl (Earl Granville), Whether the attention of the right hon. Gentleman the Secretary of State for the Home Department has been directed to a conviction in the penalty of forty shillings (before Mr. Knox, police magistrate) of Lieutenant-Colonel G. B. Knox for what is called furious riding in Rotten Row; and whether, in the opinion of Her Majesty's Government, it is expedient to leave the law in its present state, thereby constituting the policeman who happened to be on duty, and whose judgment it is much to be feared had not been matured by a long course of study on the difficult point of pace an *ex officio* Judge, whose dictum is to be fatal when once it had been given on oath. He wished to say nothing derogatory to the metropolitan police, for the public were much indebt to them for their general efficiency and discretion, but they were liable occasionally to fall into the mistake of what Talleyrand used to call *trop de zèle,* and the present case appeared to him an instance in point. On the part of the gentleman who had been fined, he could state that, in his opinion, he was not riding at the rate of more than ten miles an hour, but one policeman had described the pace as twelve and another as thirteen miles an hour. The time was half-past seven in the morning, so that the complaint preferred against him was rather hypercritical. He was riding a horse, too, which it was rather difficult to manage, and it was well-known that the only way of managing such a horse was to hold hard to his head and make him go for a little distance. Any of their Lordships might be summoned in the same way unless a little more discretion were shown in instituting prosecutions?

EARL GRANVILLE said, he must apologize to the noble Earl for having been rather dilatory in communicating with the Secretary of State for the Home Department, and for being at present unable to give him information on the exact point which he had brought forward. He remembered that, some years ago, there were very great and very just complaints as to the way in which horses were ridden in the park, and that the police were consequently directed to check it. He had heard very different characters of the horse ridden by Colonel Knox; for, according to one description, it was a lady's horse, and, according to another, it was a great kicker. If the horse was one which could only be managed by holding hard by his head and shoving him along, he must say he thought it would be well if that class of horses were shoved from the Park altogether. As to the hour of the day, he could not quite agree with the noble Earl that that was an argument against there being any danger, for at that time of the day there were many pedestrians in the Park, and also many of the younger members of their Lordships' families. The police, no doubt, were bound to exercise great discretion in the matter, and he would make it his duty to inquire into the facts of the case.

### ORDER OF ST. PATRICK.

QUESTION.

THE EARL OF PORTARLINGTON said, he wished to ask Her Majesty's Government, In the event of the Bill for the Disestablishment of the Irish Church becoming law, in what manner in conformity with the existing statutes it is proposed to provide successors for the offices of Prelate, Chancellor, and Dean of the Order of St. Patrick, so that the dignity of that Order may be in no way diminished as originally founded by the Sovereign of these kingdoms; and also in what manner, and in what place the ceremonies connected with the installation of the Knights are for the future to be conducted and held? The Order, as their Lordships were aware, was founded in 1783, and was connected with the Established Church, the Archbishop of Armagh being Prelate, the Archbishop of Dublin, Chancellor, and the Dean of St. Patrick, Registrar, just as the Dean of Windsor was connected with the Order of the Garter, and the Dean of the Chapel Royal of Holyrood with that of the Thistle. Now, it was true that the Bill preserved the rank and status of the Irish Prelates during their lives, but the motto of the Order—*Quis separabit?* would no longer be applicable to the Irish Church as a branch of the United Church, and on the death of the present Prelate and Chancellor the offices would, in the absence of some new provision, be swept away. The investiture of the Knights had usually been accompanied by much pomp and circumstance, the oath being administered by the Prelate, but who would in future discharge that duty? The installation, moreover, had hitherto been held in St. Patrick's Cathedral, but the officers of the disestablished Church might refuse the use of that building, and if Her Majesty should, at any time, go over to Ireland, and should wish to hold a chapter of the Order, where could it be held? He knew of no place except the Curragh of Kildare, and would that be a proper place? He remembered the splendour of the last installation, and the princely magnificence displayed by the noble Duke (the Duke of Abercorn) who then filled the office of Lord Lieutenant; but, unless the Government were prepared to maintain the dignity and prestige of the Order, that occasion would stand on record as the last ceremony of the kind, and the organist might have appositely played Luther's hymn—

> "What do I see and hear?
> The end of things created."

He hoped, however, to hear that the Government intended to preserve the Order in all its dignity and prestige.

Earl SPENCER: My Lords, I do not intend to follow at great length the

speech of my noble Friend, but merely rise to reply to the Question he has put. I may, however, point out one mistake into which he fell. He asked what would happen to the Order and to the motto which belongs to it if the Irish Church were separated from the English Church. Now, I believe that the motto *Quis separabit?* refers to the three Crowns of England, Scotland, and Ireland, and it cannot possibly refer to the Churches, because the Order of St. Patrick was founded before the Union. This matter has not been overlooked by the Government; but as there did not appear any great urgency in the settlement of the question, and as it was not intimately connected with the important measures now before Parliament, it was decided to reserve it for future consideration.

## IRISH CHURCH BILL—(No. 109.)

(*The Earl Granville.*)

### COMMITTEE.

House again in Committee (according to Order).

Viscount LIFFORD moved to insert after Clause 28 a new clause, the effect of which was to free Presbyterian churches and manses from debt. The case of the Presbyterians was a rather peculiar one. The *Regium Donum*, as their Lordships were aware, was first instituted by William III.; but the late Earl Fortescue, when Lord Lieutenant, effected a considerable change, it being arranged that the grant should be increased in proportion to the amount subscribed for the erection of manses and churches. The result was a large increase in the number of these buildings, and it was found inexpedient that the system should be continued. These churches and manses, however, had been built on the faith of that assistance, and the Presbyterians of Ulster, having for a long time been applying to various Governments for an increase of the *Regium Donum*, and being to a great extent in the position of an Established Church, now asked to be treated in the same way as that in which their Lordships had treated the clergy of the Established Church, and to be relieved from the heavy charges incurred in consequence of the expectations held out by the Government twenty years ago.

*Moved,* to insert after Clause 28 the following clause:—

"The said commissioners shall ascertain the cost incurred since the first day of January one thousand eight hundred and thirty-eight in respect of the erection of churches or meeting-houses and manses by the Protestant non-conforming congregations of Ireland, who were at that time in receipt of or fulfilling the conditions necessary for obtaining Regium Donum, and shall pay over to trustees to be appointed by the general assembly, or synod, or presbytery, as the case may be, the amount so ascertained."—(*The Viscount Lifford.*)

EARL GRANVILLE said, he thought the clause was inconsistent both with the proposals of the Government and with the decision of the House late on Friday night. The Government would be glad to make any reasonable concession to so respectable a body as the Presbyterians of Ireland, who had received the *Regium Donum,* but the proposal of the noble Viscount, that they should be re-paid the sums they had disbursed in erecting these houses, was almost out of the question. One of the conditions of the *Regium Donum* was that the manses should be built before the grant could be applied to a particular parish. If, therefore, the money had been subscribed, there was clearly no reason for reimbursing; while if it had been borrowed it was rather a fictitious arrangement for the purpose of meeting the conditions on which the *Regium Donum* was afterwards granted.

EARL GREY said, he understood the facts to be these — An arrangement was made between the Presbyterians and the Government that, under certain circumstances, Presbyterian clergymen, where congregations were formed and manses were built, should be entitled to a certain amount of stipend. The Presbyterians, believing that these stipends were to go on, borrowed money for the erection of these manses. Now, it seemed to him unfair that when debts had been contracted and houses built on the faith of that arrangement, the Government should turn round on the Presbyterians and say—"A great change of policy is about to occur which will entirely put an end to that arrangement, and although you have incurred debts on the faith of our promises, we cannot redeem those promises, and you must struggle with your debts in the best way you can." His noble Friend (Earl Granville) had said that this clause was inconsistent with the decision of the Committee on Friday night. By that decision, most unfortunately as he thought, they decided that, though the vast majority of their Lordships believed it desirable in itself to give something to the Roman Catholics, they were bound to refuse it in deference to what the Government themselves seemed to consider ignorant prejudice on the part of the population. Now, if this was the case—if, in consequence of that unfortunate prejudice, their Lordships could do nothing for the Roman Catholics, he, for one, could not consent to aggravate the mischief of the vote of Friday night. They had already decided for the remission of the charge proposed to be made on the Established Church for their parsonages, and it was harsh to refuse anything to the Presbyterians, but after the decision of Friday they would only aggravate the evil by adopting the clause.

THE EARL OF KIMBERLEY said, he did not intend to re-open the discussion of Friday night, but the noble Earl (Earl Grey) had not appeared to understood the argument of his noble Friend (Earl Granville). The *Regium Donum* was given to Presbyterian ministers on condition that any minister who might claim the grant had a congregation of not less than twelve families or fifty souls, and that there existed a church and house with an assured income of £50. That manses had been allowed to reckon towards that income, and it was obvious that the grant being only made on certain conditions it would be inconsistent with the principle of the Bill—the compensation of vested interests, that compliance with those conditions should be a ground for compensation.

Motion (by leave of the Committee) *withdrawn.*

Clause 29 (Enactment with respect to private endowments).

THE ARCHBISHOP OF CANTERBURY: My Lords, I have placed on the Paper three Amendments in this clause, all bearing on the subject of private endowments, and I think I may say that they all appear to me to be consistent with the principle of the Bill. That principle I understand to be this—that while the Establishment, in the ordinary sense of the word, is to cease in Ireland, and while great changes are to be made with regard to the endowments, very jealous care is to be exercised with reference to private interests. Now the private interests of those at present in possession of any of the revenues of the Irish Church have been secured by the Amendment which your Lordships adopted as to the terms of commutation, such terms being given as will enable the Governing Body to attend to the private claims of each of those persons who have a life interest in the present revenues of the Church. Your Lordships adopted the term of fourteen years for the Established Church as well as for Maynooth, as the best way of securing those vested interests and as analogous to the liberal treatment adopted in the case of Canada, which has so often been alluded to in these debates. Another class of vested interests which your Lordships have already considered is that of the private interests of the clergy in the houses which many of them have erected, partly out of their own personal resources and partly out of building charges; the Committee being of opinion that the clergy would not have erected these houses if they had thought they were to be taken away the moment they themselves had ceased to live. Having thus, in perfect consistency with the principle of the Bill, secured the private interests of those at present in receipt of money or in the possession of houses in connection with the Church, we now come to another class of private interests to which we may properly apply that name, since they relate to private persons who, in past times, have left benefactions for the maintenance of the Established Church. And when I say for the maintenance of the Established Church I mean for the maintenance of that which, at the time of those benefactions, was the Established Church, for it would take a great deal to persuade me that those persons were so lightly attached to their Protestant faith as to leave the money merely to any Church which, in such a country as Ireland, might happen from time to time to be established. I hope and expect that the Government will not see any difficulty in acceding, at all events, to the first of my Amendments. Your Lordships are wisely jealous with respect to all such private endowments, of which there are many both in England and in Ireland. It is difficult, perhaps, even with the assistance of the Board established for the purpose, to ascertain exactly what are the endowments of the Roman Catholic body in Ireland, which are vested in private trustees, but no one can doubt that they are very considerable; and, I believe, the Roman Catholics would be extremely jealous of any interference with the private endowments of other bodies, which might, in time, lead to interference with their own. I have no information in this matter as to the Presbyterians of Ireland, but I know, with tolerable certainty, as to the great Presbyterian body of which the noble Earl (the Earl of Dalhousie) spoke some nights ago, that during its brief existence it has acquired very considerable endowments. Now, I am quite sure that it is not the intention of Parliament jealously to guard the private endowments of the Roman Catholic body and of the Presbyterian bodies, and to be reckless in its way of dealing with the private endowments of the Protestant Episcopal Church. Many sacrifices have been made by private members of that Church in order to confer private endowments on the body to which they belonged. It was stated in the course of the recent debate that a Bishop of the Established Church in Ireland had left a large property to his family, though, whether, like some other Bishops, he had had the good fortune to succeed to a large fortune before he left it, I am not able to say. A list, however, has been published by Dr. Todd, of private endowments which, within his own cognizance, have been made to the Protestant Episcopal Church in Ireland. The list of these private endowments ends with the munificent bequest of the most rev. Primate who lately presided over the see of Armagh (Archbishop Beresford), a Bishop whose memory, I believe, will be long revered in Ireland as a most generous, noble, and kind-hearted man, and who, having himself succeeded to an ample fortune, was able to leave very large sums to the Church of which he was an ornament. The list, concluding with that most rev. Primate, goes back to a series of his predecessors, many of whom left large sums to the Church of which they were the heads. Primate Robinson left £1,000, which, with a bequest of Primate Boulter, at present amounts to £38,700, and has been kept separate in the accounts of the Ecclesiastical Commissioners. I will not go through the list of benefactors, but following them up we come to various Archbishops, and at last to the name of Archbishop Bramhall, who, in 1662, bequeathed £500 to the Church. Proceeding a little further we come to a gift of the same Bishop Bramhall, who secured for the Church a sum of money so large that in those days the interest was calculated at £30,000 a year. The same man, I say, in the year 1662, left the sum of £500, and are Her Majesty's Government about to respect the small sum left in 1662 and say that a totally different principle is to be applied to the far larger sum left at an earlier period? The very same man, a member of the very same Church, using the very same Liturgy, left both sums, and where is the difference between the two cases except this very important difference, that the one is a sum of £500, and the other produces £30,000 a year? If we had nothing to do with justice and were influenced only by motives of expediency, it might be well to draw the line at 1660; but I am sure that it is justice that has guided the course of Her Majesty's Government with respect to private endowments, and I cannot believe that the mere amount of the endowment makes such an extraordinary difference between the one case and the other. I do not know what is the reason why the year 1660 has been adopted, and I trust that Her Majesty's Government will not insist upon that year. We are told that the Church was in an unsettled condition before that time. We know it was not unsettled with respect to its Articles. There were, it is true, in Ireland, as in England, separate Articles answering to what were called the Lambeth Articles, but they were not the Articles of the Church of Ireland any more than they were the real Articles of the Church of England. Allow me to read a very succinct account of the matter which has been placed in my hands. The English Liturgy was established in Ireland by the Irish Act of Uniformity, 2 *Elizabeth*, c. 2, passed in the year 1560. If you look to the Acts of Parliament, you will find it there. I believe there can be no doubt that until within the last two or three years the Irish clergy subscribed to the Articles on the strength of a canon, passed in the year 1634, answering to our Canon of Subscription of the year 1604. Up to and even in the time when I myself with the most rev. Primate who presides over the Province of Armagh recommended to Her Majesty's Government that there should be an alteration in the subscription, all the clergy subscribed a canon of these same Thirty-nine Articles, according to the canon, and the date of that canon is, as I have said, 1634. It may be said that here and there Presbyterian ministers occupied livings in Ireland; but the answer is that here and there Presbyterian ministers occupied livings in England, and between the two cases there was no difference. There has been placed in my hands a reference to a work well known among Presbyterians in Ireland; it is *Reid's History of the Presbyterian Church in Ireland*, the first volume. That work, written by a Presbyterian, and highly respected as an authority, states that in the midst of the troubles in 1642 there arrived the regiment of Argyll and three other regiments from Scotland. Each of them had its Presbyterian chaplain, and the four chaplains of these regiments appear to have taken counsel together and to have established alterations; and, in the year 1642, they held the first synod of Presbyterians in Ireland. That was during the very same time that the Presbyterian system was for a period the dominant system in England. But before 1660 Bishop Bramhall had collected the large sum of money which I have mentioned for the support of the Church of which he was a Bishop. Now, I am quite aware that the sources from which Bishop Bramhall obtained that money are said to be somewhat doubtful. Your Lordships know that one of the most learned lawyers of the day contended that it is a very dangerous principle when a bequest has been made 250 years ago to consider what was the right of the original donor to the possession of the money. However that may be, it appears to me, on examining the matter, that there is no doubt this was a subscription collected by Bishop Bramhall for a particular purpose, well known to those who were subscribers, and made over to the Church of which he was a Prelate. It was a sort of Bishop of Derry's fund which he collected for the benefit of the Irish Church. Now, if it is said that the fact that the Sovereign having had anything to do with the money or any portion of the money takes it out of the range of private endowments, I may be allowed to read these words of the First Minister of the Crown—

> "It may have been given by a public character, but, though given by persons holding a public position, its having been given in a private capacity evidently constitutes it a private endowment."

Now, my Lords, in that very able argument to which I before referred, it is stated, not with reference to this gift of Bishop Bramhall, but to other matters, that the Sovereign was entitled to distribute this money as he pleased, and that it was maintained in Parliament at a subsequent period that there was no necessity for considering what the Sovereign had given, because it was his private property. It would be as difficult to prove that money belonging to the Sovereign having been given to the then Bishop of Derry, would invalidate Bishop Bramhall's gift as that the fact of Her Majesty the Queen having munificently subscribed £3,000 to that fund which bears the name of the Bishop of London's Fund would invalidate the private character of that fund. But our Sovereigns, and Her Majesty not less than her predecessors, have been munificent in their contributions on various occasions. The funds collected by the Colonial Bishops bear with reference to one of those sees the name of Her Majesty as donor; does that take it out of the category of private endowments? Looking to the fact that a large portion of the money which Bishop Bramhall collected came from private resources, that Archbishop Laud, who was not likely to give money to a Presbyterian Church, and was certainly not a Roman Catholic, though many think he went too far in that direction, was a large contributor, apparently from his private means, I claim that this money given to Bishop Bramhall, as Bishop of Derry, belongs to the Church quite as much as the money which was afterwards left by Archbishop Bramhall when Archbishop of Armagh. It seems almost wrong after having placed this on the ground of justice and of legality, to resort to a lower argument. But some one who succeeds me may place this matter on the ground of expediency. My Lords, the persons at present in the enjoyment of these sums are the Protestants of Ulster. Your Lordships have no doubt looked to the Report of the Commissioners as to the number of Protestant and Episcopalian inhabitants of those parishes in Ulster. Your Lordships are probably familiar with the fact that, looking to the united diocese of Down, Connor, and Dromore, there are eleven parishes in Belfast with an aggregate Protestant population of 24,534; that of the remaining 133 one has a population of 5,000, one of between 4,000 and 5,000, six between 3,000 and 4,000, nine between 2,000 and 3,000, and seventeen between 1,000 and 2,000. I will not weary your Lordships by going through the whole list. The point which I wish to establish is that the Protestant population and the Episcopalian population of these parishes is so numerous that in point of policy, independently of justice, they have a claim to the benefit of that which the members of their own communion left them in former days. I should be very glad if something could be done such as was indicated by the noble Viscount (Viscount Lifford). It would be a great mistake to think there is any feeling on the part of the Episcopalian body of Ireland against the Presbyterians of the North of Ireland. The two bodies go hand in hand; they hold the essentials of the same faith, and if we looked to matters of policy they are the strength not only of that part of Ireland but of Ireland altogether. The industry of Ireland owes much to them, and while we are considering how we are to keep our Irish fellow-countrymen attached subjects of the British Throne, it will surely be a most unwise, as I maintain also a most unjust, policy, to deprive them, living as they do in such large numbers as I have described in Ulster, of that means of carrying on their worship which funds, left distinctly to them, have secured for them. Although it may be true that when the Protestants are crowded together in towns they may supply their wants, yet it must be remembered that in many places the population though large, is poor and scattered, and therefore I feel confident your Lordships will not consent to deprive them of that which seems to be so justly their own. I am sure Her Majesty's Government will agree with me that it will be a very dangerous thing to shake the faith which all people in the United Kingdom at present have in the security of private endowments.

Amendment *moved*, line 42, to leave out ("year one thousand six hundred and sixty") and insert ("second year of the reign of Queen Elizabeth.")—(*The Archbishop of Canterbury.*)

THE LORD CHANCELLOR: The most rev. Primate (the Archbishop of Canterbury) has rested his case for carrying back the period for the ascertainment of gifts of private endowment to the reign of Queen Elizabeth, in the first place, upon the passing of the 2nd of Elizabeth—the Statute of Uniformity. And then he selected two cases which I may safely say are the only two of the slightest importance as to the question whether you select 1660 or the 2nd of Elizabeth, the case of Archbishop Bramhall and the case of the Ulster grant by James I. If these two instances were put aside it would be a matter almost immaterial which of the two dates you take, except that you may, by selecting the earlier, occasion a very considerable expense by inquiring into minor endowments, an expense which would not be justified by the result. I will first consider the proposition with reference to the conditions of the statute of Elizabeth, and see how far it holds good that that Act fixes the period at which it is to be supposed various persons gave money intended for the support of the Reformed Anglican branch of the Church Catholic instead of the Roman Church. I had occasion on the second reading to point out that the Act of the 2nd of Elizabeth was not intended to exclude any portion of the great Irish nation from the benefit of religious instruction. It was an Act which contemplated religious instruction to the whole Irish nation, and in proof of that I cited one clause of the Act. The Celtic population were Roman Catholic in every sense of the word, and does it exclude them from the benefits of religious instruction? So far from that, it expressly enacts that, whereas they did not understand English, they shall continue to go on with Latin because they understand it better. We may smile at that singular notion, but can anything more conclusively show that the Act expressly included them as participators in the means devoted to public worship? Besides this, Queen Elizabeth fined and imprisoned everybody who did not go to church, clearly showing again, although we may smile at this means also, that she intended the whole nation should benefit. Therefore, any grant made at the time of Elizabeth was made for the whole country. Then comes Archbishop Bramhall's case, which may give rise to a very considerable amount of discussion before the Commissioners if the Amendment be adopted; and I confess the evidence, as far as I have been able to gether it from reading upon the subject, largely preponderates in favour of the view that Archbishop Bramhall gave nothing, or next to nothing, to the Irish Church. It is true Archbishop Bramhall obtained a large amount of money for the Irish Church, but as to how he obtained it the different biographers of Bramhall and Strafford disagree. Strafford's admirers say he procured the money, and they name this identical sum of £30,000 a year. Then Sir George Ratcliffe, Wentworth's intimate friend and constant aid in Ireland as a Privy Councillor, gives Wentworth the credit of restoring the £30,000 per annum. "He got restored to the Church lands and tithes, sacrilegiously interverted, above £30,000 in yearly value." But I believe this is as mythical as any representation that has been made. What really happened in Ireland is this—Laud sent Bramhall to Ireland before he was made Bishop to inquire into the state of things there, Laud being advised that improper proceedings were occurring among the Anglican Bishops. Bramhall reported accordingly, and in his first letter to Laud, relating to the state of things in Dublin, he says, if I quote him correctly—

> "I will first speak of offences in high places. And what do I find in Dublin? The parish church turned into the Lord Deputy's stable; the Cathedral vaults into wine vaults, where people get wine and also tobacco."

And so he goes on describing enormities of that kind. He afterwards speaks of improprieties committed by the Bishops in the management of their sees, such as granting leases at small fines, insinuating that there was some private consideration passing between the Bishops and the lessees; and he represents the whole of the sees as in the state of complete devastation in consequence of those acts. Then it appears that, with the assistance of Strafford, he was able to squeeze compensation out of several people, and obtained very large sums of money, from which I believe this sum of £30,000 a year will be found to have come. But the whole transaction is one of considerable doubt, the investigation of which would not repay the Irish Church. I will not anticipate a proposition which my noble Friend behind me (Earl Granville) may make upon this subject, but I will now deal with the case of the Ulster lands. If ever there was a public fund it is the Ulster lands, which are public property upon every conceivable ground. These lands were obtained by the blood of the English in putting down a rebellion there, in the course of which three counties were forfeited; and James had at his disposal 833,000 acres of confiscated land, the disposal of which the most rev. Primate compares to a grant made by Her Majesty out of her private purse.

THE ARCHBISHOP OF CANTERBURY said, he had not addressed himself to that part of the question.

THE LORD CHANCELLOR: The most rev. Primate objects to my answering this argument because he has not come to it. I will content myself by resting my answer upon the broad foundation that the lands were won by English blood, and that James sold the greater part of them to the City of London, and used the proceeds as ordinary revenue. Something was said about the Presbyterians, and I must join with the most rev. Primate in offering a tribute of respect to them; but was it always the case that the Episcopal Bench respected the Presbyterians in the North of Ireland? You will find —if you go to *Mant's Ecclesiastical History of the Irish Church*, the last edition of which was published in 1841—a series of lamentations on the part of that right rev. Prelate, who was Bishop of Down and Connor, at the introduction of the Irish Presbyterians by James, which he regarded as the greatest conceivable calamity, and he praised the Test and Corporation Acts. The most rev. Primate has alluded to the number of the Protestants in the North of Ireland; but if we divide them into seventeenths, the most convenient for our purpose, we find that 9-17ths represent the Roman Catholics, 5-17ths the Presbyterians, and 3-17ths the Episcopalians; so that in this part of Ireland, where the Roman Catholics are least numerous, they outnumber the Presbyterians and Anglicans put together. I demur, therefore, to that being the period to be fixed upon as the period for marking when there was a special allocation of the funds to special purposes. I say that in 1660 you had got rid of the Articles of Usher, which clearly did effect an entire separation in principle between the English branch and the Irish branch of the Church. I do not believe that time is of the slightest importance. I do not believe that those who introduced the Bill have the least reason for desiring to alter it in any other respect; but if you say that the definition shall include property given by the Crown, by private individuals, and by the means described, it signifies little what date may be fixed.

THE BISHOP OF PETERBOROUGH: My Lords, it seems to me that the argument, as far as it has gone, is somewhat analogous to that afterwards to be raised upon the question of the Ulster grants; but I shall keep myself strictly to the question of the first Amendment moved by the most rev. Primate—namely, the substitution of the date 1560 for 1660. It seems to me, however, that a good deal of undue stress has been laid upon the amount the Irish Church would receive from Archbishop Bramhall's gifts. The most rev. Primate (the Archbishop of Canterbury) insisted upon the large amount and value of these gifts, and the noble and learned Lord who has just sat down insisted upon their small value; but really the question at issue is not whether the gifts be large or small, but whether the date 1560, which would include those gifts, or the date 1660, which would exclude them, is in itself the proper date to be agreed upon—a question quite independent of the amount to be received or lost by fixing the date. If by fixing the date at 1560 the Irish Church gets very little from Archbishop Bramhall's gifts, so much the worse for the Church; if by fixing the date at 1660 it gets a great deal, so much the better for the Irish Church; but we have no right to consider the worse or the better in the case; what we have to do is on historical and legal grounds to decide which of the two dates is a just and righteous date to fix. I entirely set aside the question of the amount of Archbishop Bramhall's gifts. Upon the same principle I deride the objection of the noble and learned Lord (the Lord Chancellor) as to the expense of the litigation that might be incurred on the part of the Irish Anglicans or Churchmen—it is difficult to find a correct definition for the members of the Irish Church — in establishing their rights under this grant. If it is difficult for them to prove their rights, if it involves expensive litigation, so much the worse for them; if it is easy, so much the better for them; and I think I can assure the noble and learned Lord that Irish Churchmen will be willing to take the chance of litigation which he desires to spare them, and that they will be perfectly willing to take what they can get. I set aside, then, as not properly speaking *ad rem*, those two questions as to the amount of Archbishop Bramhall's gifts, and as to the expense which might be incurred in proving claims to them. I now come to what I shall be excused for saying is the only real argument in the speech of the noble and learned Lord against the Amendment. There is not the slightest doubt that when Elizabeth passed her Act of 1560 establishing conformity for the Irish Church, she intended that Act to be one for the benefit of the whole nation. We say that the Irish Church is a benefit to the whole nation—but I will not press that argument now; but it is clear from the terms of the Act that Elizabeth intended the benefit of religious instruction to be conferred according to a particular form, which form is defined in that Act of Uniformity, and which form she thought of such great importance that she actually—as the noble and learned Lord has taken care to remind us, unfortunately for his argument—insisted upon imprisoning those who would not go to the churches where the services were conducted according to the Act of Uniformity. It is equally clear that the fact of Elizabeth having intended to benefit the whole nation does not at all touch the real question in dispute, which is not for whose benefit she intended the instruction to be given, but through whose lips and according to what formularies that instruction was to be conveyed; and, further, the fact that these ecclesiastical gifts, whatever they may be worth, were designed by Elizabeth for the benefit of the entire nation seems to me to be a strange reason for excluding from that benefit the entire nation, and for taking them entirely away from every religious denomination in the nation. It strikes me that this is a fair answer to the argument of the noble and learned Lord. He laid stress upon certain Articles drawn up by Archbishop Usher—I think 105 in number—and which he says had the effect of creating almost a severance between the two Churches, so as to make them distinct Churches in England and Ireland; and so, insisting upon as much distinction between them as between Presbyterianism and Anglicanism, he implied as a consequence that Presbyterians might have as good a right to these endowments as Anglicans. What is the fact as to these Articles of Usher? They were never signed by a single clergyman; they were never enforced by the Irish Parliament; they were passed by the Irish Convocation, a body whose acts had no legal validity, no more than those of the English Convocation at this moment. They were never accepted by the Irish Parliament; they were never binding on the Irish clergy; and the duration of these marvellous Articles, that are to effect this complete tranformation of the rights of property, was simply nineteen years. They simply came from the study of Archbishop Usher, and, for anything I know, they have gone back to his waste-paper basket; and yet they are to deprive the Church of Ireland of grants of property which I believe to be strictly and legally her due. The only other argument I wish to notice is one dwelt upon more in the speech of the First Minister of the Crown than in this House, although it has been touched upon by the noble and learned Lord. It is said that between 1560 and 1660 Presbyterians were admitted to benefices in the Anglican Church, as it then existed, without requiring re-ordination; and this fact is supposed to prove so complete a fusion between the Presbyterian and the Anglican bodies that one has no more right than the other to these endowments. I exceedingly regret that I cannot accept this fact, and the inference drawn from it, because if I could do so there would be absolutely an end to this Bill altogether. If ordained Presbyterians could hold Irish Church revenues without reordination—and the fact proves that there was no practical difference between the two Churches—then I have another fact.

At this moment any Roman Catholic priest may be instituted to any benefice in Ireland without re-ordination, and a priest might have been so instituted at any time during the history of the Irish Church. Therefore, if the argument goes to prove that the Presbyterian and the Anglican were practically one Church, then by a parity of reasoning the possibility of the Roman Catholic priesthood obtaining benefices without re-ordination goes to prove that the two Churches are really identical, and that there is no injury done to the Roman Catholic Church by the Protestant Church possessing endowments, when it is not possible to distinguish one from the other. If the argument is good for anything, it seems to me to come to this startling proposition—that the Irish Church in 1560, and up to within nineteen years of 1660, was a body so distinct as to be recognizable in history and law; that it was capable of doing and having committed in its behalf a great wrong—namely, the conveying to it of certain endowments which belonged to the entire nation; that, therefore, in this 19th century, the present Church is to be sorely punished for the wrong done by that Church between 1560 and the commencement of that nineteen years; and yet, when you come to these nineteen years, this body, so distinct for all purposes of punishment and suffering, becomes so confused a body that it is utterly incapable of holding any property whatsoever.

Earl GRANVILLE: My Lords, the right rev. Prelate (the Bishop of Peterborough) has obtained a reputation for eloquence distinguished by readiness in getting rid of the rubbish and going to the kernel of the matter; but I will confine myself to the rubbish which he got rid of rather than address myself to his arguments. I think there is some slight inaccuracy in the historical account which the right rev. Prelate gave of Archbishop Usher's desk and waste-paper basket, because, unless my memory fails me, the Resolutions that he referred to were proposed in Convocation. I do not think, either, that I have any occasion to grapple with the argument that the possible admission of Roman Catholic priests removes any grievance under which they might otherwise labour. It seems to me, however, that there is considerable importance in the points which have been raised as to the amount of money which might or might not accrue to the Irish Church under the Motion of the right rev. Prelate, as to the difficulty of proving these grants, and as to the amount of litigation which might possibly ensue. With regard to the amount, I cannot help thinking—and it is not from any pretence to any historical or legal knowledge which is not open to all your Lordships—that there is great truth in what the noble and learned Lord (the Lord Chancellor) said, that very little money would be found to accrue to the Irish Church after these long and difficult inquiries had been concluded. But, whichever way you take it, this appears to me to be a very extraordinary Amendment for this House to send down to "another place." But now I come to the real point to which I wish to direct your Lordships' attention. I have said that it is not likely that the Irish Church—unless you adopt some mode of establishing claims hitherto not devised—should gain much advantage from the change proposed. If I mistake not, even if they obtain all that it is now proposed to include by these Amendments, the reversions which they claim will not amount to more than £300,000. The noble Earl (Earl Grey) suggested the other day what he thought would have been of immense advantage to the Church—that, instead of entering into these questions which must lead to endless litigation, it would be better for them to accept a sum of money. The noble Earl stated that he was informed that what we proposed to give the Church in the shape of private benefactions did not amount to more than £6,000 a year. The most rev. Primate (the Archbishop of Canterbury) fixed the sum at £8,000 a year, and, taking the larger sum, that would really represent a sum of £200,000. Again, it has been stated that the value of a reversion of the whole sum claimed by the present Amendment would not amount to much more than £300,000. That would give a sum of £500,000, which is exactly the amount, though it is not in the Bill, which Mr. Gladstone stated would be the amount of the private benefactions. Now, it appears to me that this sum, representing, as it does, exactly what was stated to the House of Commons—representing, as it does, the sum which the House of

Commons was ready to grant—representing, as it does, exactly the sum at which the most rev. Primate values these two sets of benefactions—it would be, I think, an arrangement valuable in itself; one to which the other House of Parliament could not, upon principle, object, and which would have the inestimable advantage of clearing the ground, and at once closing the matter without either impoverishing the new Church Body, or without materially lessening what will accrue to the State. I must make an apology to your Lordships for rising so soon in the discussion. The other evening I made a proposal which I thought highly advantageous to the Church. I made it rather late in the debate; but I did not receive the slightest answer to the proposal which I had made on the part of Her Majesty's Government. The noble Earl (the Earl of Carnarvon) it is true, with his usual courtesy, expressed a hope that I did not feel hurt by his not giving any answer to that proposal. The Committee immediately proceeded to a division, and one right rev. Prelate asked me, while the House was dividing, why I had not made the offer earlier in the evening, as it was one which many would have been delighted to accept. I have, therefore, taken the opportunity of making this proposal to your Lordships at this early period in the discussion, and I think it is one which the right rev. Bench would do wisely in accepting.

EARL GREY: Do I correctly understand my noble Friend? Does he mean that he would give a lump sum of £500,000 to the disendowed Church as compensation for all these claims?

EARL GRANVILLE: Yes, but reserving the question of the glebes. To the Amendment to be proposed upon the latter subject the Government will offer the most strenuous opposition.

LORD DE ROS said, he would remind their Lordships that Queen Elizabeth could never have intended that her endowments should be shared in by the whole of the Irish population, inasmuch as she regarded the Roman Catholics as not under her control, or subject to the protection of her laws.

THE EARL OF POWIS said, there was a case in which certain parishes could prove, under the Amendment of the most rev. Primate, their claim to rent-charges which had been devoted to their spiritual instruction, and he wished to know how their rights would be affected by the arrangement now proposed by the noble Earl (Earl Granville)?

THE MARQUESS OF SALISBURY said, he considered that it was a very inconvenient practice for Ministers to come down and make entirely new proposals at the very last moment. He would venture to suggest to the noble Earl (Earl Granville) that it would be better for the present to defer this matter so that the proposal might receive consideration. There was an important principle involved. Some of them were unwilling to admit that, because there had been a very slight alteration in the doctrine and practice of the Church, there had been a break in its continuity; but, if the noble Earl would allow the date of 1560 to be inserted, and the £500,000 to be offered as a composition for the whole period, the difficulty would be removed.

EARL GRANVILLE said, the noble Marquess (the Marquess of Salisbury) would remember that, among the great number of Amendments placed upon the Paper, it was impossible for the Government to know which were likely to be supported by the House. The noble Lord opposite (Lord Cairns) had refused to furnish the Government—as he had a perfect right to do—with the information, and it was, therefore, impossible for them to be prepared with counter proposals. In one instance he had actually prepared a proposal, but was obliged to allow it to remain in his pocket, in consequence of the course which the Committee had pursued with regard to other Amendments. As he understood their Lordships were inclined to consider his proposal in a favourable light, he would not object to a postponement; but he certainly thought that the last proposal of the noble Marquess was not a very wise one, or at all in unison with his general desire to assume a conciliatory position towards the other House. He would, however, consent to omit the date altogether. It would be extremely unwise to adopt any course which, without being attended by any advantage, could only have the effect of irritating the House of Commons.

THE BISHOP OF LICHFIELD said, he thought that it was of the utmost importance that a date should be fixed. He found it stated in the work of Fleury, the Roman Catholic historian, that about the year 1570, the Protestants adopted all kinds of expedients to extend their influence in Ireland; that their progress had surpassed all their expectations, and that they already saw themselves masters of the greater part of the kingdom.

Earl GRANVILLE said, he would suggest that if the clause were to be postponed it would be better not to continue this discussion.

Lord CAIRNS said, that the noble Earl (Earl Granville) had expressed a wish that their Lordships should not take any step which would cause irritation in the mind of the House of Commons. He should be sorry that anything done by their Lordships should have that effect, and he was quite sure that nothing done by their Lordships was intended to have that effect; but he doubted very much whether the House of Commons was in that sensitive state of mind which was always suggested from the Government Benches. It certainly would appear from certain post-prandial utterances of one of Her Majesty's Ministers that some Members of the Cabinet did not manifest that perfect equanimity of mind which their Lordships had the pleasure of seeing always displayed by the noble Earl the Leader of the Government in their Lordships' House. He (Lord Cairns) was, however, perfectly ready to admit that, if the proposal of the noble Earl was to be considered, they ought not now to do anything in the way of amending the clause which would make it appear that they had rejected the proposal. He did not think it would be a convenient course to postpone the clause, for they were now approaching the consideration of an alteration in the other portion of it. It would be better to leave out the date; if this were done Her Majesty's Government might be informed on the bringing up of the Report, whether their offer had been accepted: if the offer were accepted words might be inserted directing the Commissioners to pay over to the Church Body £500,000 in lieu of all endowments since the Reformation. Such words would not pledge Parliament to any particular date. In reference to what the noble Earl had said respecting his offer the other night of another Amendment of which no notice had been taken, he must remind the noble Earl that his offer on that previous occasion was made at the close of the debate, and it did not appear to him that the Amendment so offered by the noble Earl would have met the exigencies of the case. The noble Earl said he had several other Amendments in his pocket. He would suggest to the noble Earl whether, as notice had been given of the various Amendments of private Members, it would not be advisable for the noble Earl to put his offers on the Paper.

The Archbishop of CANTERBURY said, he was ready to do whatever the House desired in the matter. The noble Earl (Earl Granville) had appealed to the right rev. Bench as if they were the solicitors or the attorneys of the Irish Church. He should be rather ashamed if the right rev. Bench were dragged into a mere money calculation. They looked to the date from far higher interests. But as the calculations of the First Minister of the Crown in respect of the amount of the endowments before 1660 was disputed by other authorities, he thought that the parties on either side ought to look into the matter with the view of coming to an agreement on that point. He wished in his own name—and, he thought he might venture to add in the name of the Irish Church also—to thank the noble Earl (Earl Granville) for the conciliatory manner in which he had dealt with this point, and, likewise, with the question of life interests. He trusted their Lordships might regard that circumstance as an indication that the Government wished to treat this whole matter in a spirit of conciliation. He would withdraw his Amendment for the present.

Amendment (by leave of the Committee) *withdrawn.*

Amendment made, line 9, leave out ("one") and insert ("two.")

The Archbishop of CANTERBURY then moved the third of the Amendments which stood in his name. The whole difficulty in this case was whether the grant of the Ulster glebes came from the Crown, being the private property of the Sovereign, or whether they came from the Crown, being public property. It was the opinion of Sir Roundell Palmer—a very high authority upon such a subject—that they were given by King

James out of landed property which had been confiscated to the Sovereign, in the same way as other portions of the same land granted to private individuals, whose descendants enjoyed them at the present day. The question of these Ulster glebes had come before Lord Langdale in the Rolls Court, and on that occasion Sir William Follett laid down the state of the case. What he now wished to direct the attention of their Lordships to was this point—that if the King had no right to grant the Ulster glebes, he (the Archbishop of Canterbury) did not know what right he had to grant the property now enjoyed by the Irish Society. How would the Irish Society be affected by a Parliamentary decision that James had no right to grant these Ulster glebes? Their Lordship would see that this question was an important one in respect of other property besides the glebes.

Amendment *moved*, at the end of the clause to add—

"When any real property becoming vested in the commissioners consists of lands which have been appropriated or granted as the glebe or glebe land of any benefice, by or in pursuance of any royal grant or letters patent since the second year of the reign of Queen Elizabeth, the commissioners shall, on the application of the said representative body, made within six months after the first day of January one thousand eight hundred and seventy-one, by order vest such property in such representative body, subject to any life interest subsisting therein."—(*The Archbishop of Canterbury.*)

LORD DUFFERIN said, he must object to the Amendment which he regarded as contrary to the principle of the Bill, and, indeed, calculated to stultify it. The proposal of the most rev. Primate (the Archbishop of Canterbury) amounted, in effect, to this—that we should proceed to re-endow the Established Church with a sum calculated at very nearly £1,000,000, and at all events, over £900,000. With what show of consistency could noble Lords, who wished for religious equality in Ireland, by means of concurrent endowment, leave the Catholics and Presbyterians in the position assigned to them by the Bill, while they gave to the Episcopal Church, besides the property already secured to it, the considerable sum he had named? These grants were put upon the footing of private endowments. Now, he would not enter into any historical disquisition as to the circumstances under which the grants were made. It was sufficient to remind their Lordships that, up to the end of the reign of Elizabeth, Ulster had been less subjected to English rule than any other part of Ireland. Until then the native chiefs had succeeded in maintaining almost a semi-independence, and at last endeavoured to throw off the yoke altogether. In this atttempt, however, they were defeated, and, on their overthrow, King James was enabled to make his famous experiment of colonizing the North of Ireland with settlers from England and Scotland. When making this settlement James was also solicitous to reduce to order the ecclesiastical affairs of the district, which were in such a state of confusion that it was found impossible even to identify the ecclesiastical possessions of the ancient Irish Church. Persons of authority were, therefore, sent over to ascertain what was and what was not ecclesiastical property; and as soon as they had reported, the King made a re-grant of such lands as were declared to be the legitimate possessions of the Church. Such a title, however, did not place these grants to the Church in Ulster in any respect on the footing of private grants; and, so far, this was admitted by the most rev. Primate, who did not propose to deal with Bishops' lands. As to the Ulster glebes, as they were technically called, he (Lord Dufferin) maintained they must follow the destination of other ecclesiastical property. It was not upon technical or antiquarian grounds that this question ought to be argued. These endowments were handed to the Church by the King in his public capacity. They were intended to promote a great public benefit; they became the same sort of property and subject to the same incidents as property possessed by the Church in other provinces. Great stress had been laid upon the claims of colonists in Ulster, whose ancestors were attracted to that enterprize by the grant of these endowments. No doubt, the fact that the Church was constituted on a favourable footing did prove a certain attraction to the emigrants who passed over from Great Britain. But if that argument were good for anything, it might be urged with equal force by the descendants of all who have ever emigrated at any time to any part of Ireland, as all were attracted in an equal degree by the prospect of having the offices of their Church performed by an established body which received the support of the Government. Their Lordships should remember that a majority of the population of Ulster were Roman Catholics. The large manufacturing industry had attracted Roman Catholic residents, and even when King James was founding his colony in Ulster he took special care to leave a certain proportion of the Roman Catholics in each district. Inasmuch, therefore, as the population was so intermixed, and their mutual interests were so inter-dependent, he submitted that it would be extremely unwise to deal with that province in an exceptional manner, as any such exceptional dealing would be regarded by the majority of the population as an act of great injustice.

THE BISHOP OF DERRY said, that as an Ulsterman and an Ulster Bishop he found it impossible to remain content with recording a silent vote on a matter with reference to which he felt so deeply. He wished, in the first place, to consider the equity of the claim, and in the second place, the policy of granting it. The first equitable principle upon which the claim to the Ulster glebes was based was this:—Speaking merely as a layman, and therefore subject to correction, it seemed to him that it was within the King's competence to grant these lands. There were repeated references to the plan in charters, letters, and other documents, and the argument made use of by the King was that he waived his own private right and his own personal advantage in consideration of the great object of the public good. But King James did not speak in this matter merely *ex cathedrâ*, merely as a King. He was constantly in communication with one whose name would have the greatest weight both within and without those walls—he meant Lord Bacon. From the 10th or 11th volume of the last edition of his works it will appear that however complicated the title might be and undoubtedly was in individual cases, he thought it remained beyond all practical doubt that the reduction of the long rebellion in Ulster left a vast tract of land legitimately at the disposal of the monarch. He (the Bishop of Derry) happened the other day to have studied a few chapters written by Lord Macaulay, a great authority with noble Lords behind him, and in the 23rd chapter of his history he argued the rights of the Crown with reference to the grant of lands, and what was his doctrine? Macaulay maintained that such grants, however unreasonable they might seem in themselves, however profligate in some cases, however ununworthy favourites, were yet for a long worthily disposed of—given to minions or series of ages held valid. For instance, in the year 1696, when the King proposed to grant an enormous estate in Denbighshire to Portland, and the House of Commons remonstrated, they did not found their remonstrance on the ground that the Crown had not the right to make the grant, but simply that it was impolitic to do so. Macaulay said that in order to get rid of this Crown grant it would have been necessary to pass a retrospective statute, which, he added, would have been simply robbery, and the words which followed were substantially these—that such an act of robbery must have made all property utterly insecure; and that it was utterly unworthy of statesmen for a moment to indulge in the dream that any machinery which made property insecure was likely to make society prosperous. The second ground of equity was one on which a simple layman might feel more competent to argue the case—namely, the improvement which had been wrought in those lands. It was easy to show by a whole host of contemporary authorities that the land in Ulster was at the time in a most miserable condition. Caulfield, writing in 1610, in an account of the escheated lands in Tyrone, said they were so poor that no rent was paid for them. There were three ideas which had been imported by Englishmen into Ireland, and which the Irish people would never be satisfied until they got rid of—the notion of landlord, the notion of tenant, and the notion of rent. In a very remarkable passage of his writings Dean Swift stated that James I. had been one of the greatest benefactors of the Church by the grant of those lands which he made in Ulster, and he mentioned that there were persons living in his time who remembered the land in such a very miserable and wretched condition that its value was only about 2*d.* an acre. The Government found fault with those who opposed their policy for not making sufficient distinction between the clergy and the laity; and in dealing with private interests they had shown fairness and tenderness. But what about those colonists who had come over to

Ireland? If, for purposes of public policy, it was considered necessary to deprive the Church of the glebes, would it not be their duty to pay the descendants of the colonists the difference between the value of those glebe lands as they are and what they were when their predecessors came first into possession? There was a third reason why the Church had an equitable claim to the glebe lands. It could not be said that the plantation in Ulster had utterly, or in a great measure, failed to fulfil the purposes for which it was intended. Plantations in those days meant more than market gardening or the sowing of potatoes, flax, or onions. It meant the plantation of glebes, with civilized Protestant men, and with those churches, free schools, and other institutions which they had enjoyed at home. It was a matter of great importance to discriminate between that which was primary and that which was secondary. Now the primary objects were, according to the expostulatory letter of James I., of the 6th of December, 1612, the safety of the country and the planting of civilization and religion; and in the charter they were stated to be to rescue Ulster from superstition, rebellion, poverty, and calamity, and to establish religion, obedience, strength, and prosperity. The hum of industry now rose from the busy and prosperous cities of Ulster; and among the causes which had given them that prosperity to Ulster, some place, at least, might be assigned to those glebes which had sometimes been the homes of genius, not seldom the abode of sanctity, and in almost all cases the centres of civilization. He belonged to a school of theology that had little sympathy either with high Anglicanism or with rigid Calvinism; and he though it hard that because their fathers had eaten the sour grapes of Calvinism, therefore the children's teeth were to be set on edge. He had sometimes been tempted to think that the existence of those articles was a proof of the identity between the Church of Ireland and the Church of England at that time; and in the depth of his episcopal heart, which, of course, was filled with all wickedness, he could not help thinking that this introduction of Calvinism was a mere pretext, while the possession of the glebe lands was the solid but profane reality. He must say, however, that the Episcopalians had got on very well with the Presbyterians of Ulster, and he had little doubt they would be able to do so in the future. The Presbyterians were a hardy, industrious, loyal, and religious race, but supposing that they had any right to these Ulster lands, which he did not admit, what was done by this Bill? Were they committing an injury upon the Episcopalians in order that they might do an act of justice to the Presbyterians? Not at all; but they committed one act of injustice upon the Presbyterians, and then they committed another upon the Episcopalians, and in the new algebra of disestablishment and disendowment two acts of injustice made one magnificent act of justice. Then they were told that if this act of justice were granted to the Episcopalians, there must be another to other denominations. He would not enter upon that question at present; but the claim now made was either just or unjust. It it were unjust, then in Heaven's name let them have no more of it; but if it were just, legal, and moral the argument that they were not to have these just rights because of other denominations, reminded him of Samuel Johnson's definition of envy—pain felt or malignity experienced at any happiness enjoyed or distress experienced by another. He would only say a very few words on the policy of the Amendment; but he wished, with all respect to the noble Lord behind him (Lord Dufferin), to state that this question of the disestablishment and disendowment of the Irish Church, however it might be regarded in England, was looked upon in the North of Ireland with very peculiar feelings indeed; in fact, he could hardly use exaggerated language upon this point. The measure was hated and detested by all Protestants, except a handful of Presbyterian ministers, who had learnt certain newfangled notions in consequence of their connection with Scotland. As a matter of fact he could assure their Lordships that in hundreds and thousands of peasants' homes prayer ascended daily to the just God that the measure might be defeated. He was convinced that noble Lords on the Government Bench were anxious to do what was right and just, and he therefore besought them not to treat the North of Ireland with a kind of Sangradoism, prescribing bleeding and hot water for all its ills. He appealed to their Lordships to send a message of peace to Ulster by accepting the Amendment of the most rev. Primate. This was a dark and heavy time for the Bishops and clergy of the Church which was so soon to be disestablished and disendowed. It was a thing to make a man's heart sink, his hand to tremble, and his knees to be very weak for a time when he saw the pinnacles of that ancient Church shattered to some extent by the storm which raged around them. But they looked with eyes suffused with tears, and straining through the mist, to discern the Church of the future. He trusted they could see her dim outline, not so grand or so beautiful, perhaps, as the former Church; but they hoped to see a fuller and richer light streaming upon her from the presence of her Lord; and it would give them great satisfaction if they could see below that supernatural light the rise of the star of peace upon their unhappy country. He believed that the adoption of this measure would be a message of peace; and for all these reasons—because the King had a right to grant these lands, because the improvements on those lands had been made by the clergy, because the Church had not failed in her mission, because the Amendment was just, because the Bill was an eminent departure from justice, and because it was an equal departure from policy, he entreated their Lordships to adopt this Amendment.

Viscount MONCK said, that in consequence of his personal connection with the Bill he had hitherto abstained from taking part in these discussions; but having a strong opinion on the subject of this Amendment, he trusted their Lordships would not think he was guilty of any impropriety if he ventured to make a few remarks upon it. It appeared to him that this Amendment, if adopted and combined with other Amendments that had been sanctioned by their Lordships, would nullify to a great extent the purpose of the Bill, and eliminate the principal means by which that object was to be attained. The purpose and object of the Bill was to introduce religious equality by disestablishing the Anglican Church in Ireland, and by withdrawing from the Church its endowments, so far as those endowments were given to her as an Establishment. He prayed their Lordships' attention to the effect of the Amendments which they had already sanctioned. By the Amendment moved by the noble Earl (the Earl of Carnarvon) fourteen years' purchase of the tithe rent-charge was secured to the Church Body. Now, by a return obtained by the noble Marquess on the cross-Benches (the Marquess of Clanricarde) it appeared that the sales of impropriate tithes in the Landed Estates Court produced on an average eighteen years' purchase; so that if property was worth only what it would fetch in the market, then the Irish Church would lose only four years' purchase of the tithe rent-charge. By the Amendment which was moved by the noble Marquess opposite (the Marquess of Salisbury) the glebe houses and surrounding lands were secured to the Church. And by this Amendment of the most rev. Primate (the Archbishop of Canterbury) the entire glebe lands, amounting to £950,000 in value, were also secured to her. If all these Amendments were cumulatively adopted he did not see that any disendowment of the Church would take place at all. The right rev. Prelate (the Bishop of Derry) had rested his support of the Amendment on the right of King James to make the grants. He had never heard the King's competency to make the grants called in question at all; but the question was in what character and on what ground did he make them. The right rev. Prelate had himself stated that ground when he said the grants were made in furtherance of a political object and for a public purpose; that object and purpose being Protestant ascendancy. But when that policy and purpose were abandoned by the State—and by statesmen on both sides of the House—it followed that the grant which was the consequences of that policy and purpose was also reversed. Another ground on which the right rev. Prelate had urged the Amendment was the improvement that had been made in the glebes by the Church. Now, if those improvements had been effected by the Church as a corporation there might be some reason in the argument. But that was not so; they were effected by the successive incumbents, who were but life tenants, and these improvements gave them no more title to the lands than would be the case in any other life tenancy. The third ground on which the right rev. Prelate relied was the plantation of Ulster, which he said was a plantation of morality and religion. But that only brought them back to the policy of Protestant ascendancy, which was now abandoned by common consent of all parties. The right rev. Prelate talked of the strong feeling that had sprung up in Ulster. He (Viscount Monck) would be the last man to say a word against the Protestants there—all his associations were connected with them—but it must be remembered that even in Ulster all the Protestants taken together still formed only a minority of the population. The right rev. Prelate talked of sending a message of peace to Ulster; he (Viscount Monck) was for sending a message of peace to Ireland; and that would be done, not by adopting the Amendment of the most rev. Prelate, but by accepting the Bill as it stood. If he were asked to state in a single sentence what had been the great mistake of the government of Ireland during the last 100 years since the relaxation of the penal code, he should say it was the refusal to give practical effect to the logical result of adopted principles. The state of things that existed at the time the penal code was in operation was a logical consequence of that code; the code had been abolished, and the principles which dictated it had been disavowed, but the policy which suggested this disavowal had not been logically followed; hence all the misgovernment of Ireland which followed. For these reasons he hoped their Lordships would not accede to the Amendment of the most rev. Primate, but would pass the clause in the form in which it was presented by the Government.

LORD DUNSANY said, he regretted that he had been unable conscientiously to vote on the questions which had been submitted of late. He was ready to go as far as most men in the way of giving perfect equality. Indeed, equality was necessary; but it might have been established in a form other than that proposed by the Bill, and one which he could not but think would, in the end, have been productive of better results. He feared that Amendments such as the present would create ill-feeling in Ireland. He lived on habits of intimacy with his Roman Catholic neighbours, but he was sorry to say that a feeling had sprung up in the country which had never existed before, and which he could only express by the word hatred. Both among the Roman Catholics and Presbyterians there had sprung up that feeling towards the Established Church which he could only express in Scripture language—they would have no peace so long as Mordecai sat at the king's gate. The Moderator of the General Assembly of Ulster, had, only the other week, sent a letter to the papers, declaring that there would be no peace in Ireland as long as the Established Church enjoyed any advantages which the other Churches did not. But that was not the way in which grave questions of this kind could be settled. He, for one, would be ready to give to the Roman Catholic Prelates that social status which they did not at present enjoy, without depriving the Protestants of theirs. The noble Lord the Chairman of Committees (Lord Redesdale) said he saw no danger in Roman Catholic Prelates sitting in the House of Lords, to speak for the wants and wishes of the Roman Catholic population, and he was sure if that noble Lord did not nobody else would. He (Lord Dunsany) believed that the admission of those Prelates to that House would be attended with great benefit to all parties. He did not deny that if all the Amendments which were proposed in favour of the Irish Protestant Church were carried, they would interfere very materially with the principle of the Bill. But, admitting that to be the case, could not the Government, without loss of credit or strength, withdraw the Bill and introduce a greatly improved measure next year founded upon well ascertained public opinion. It was no disparagement, even to Mr. Gladstone, to say that he might be wiser in 1870 than in 1869.

EARL GREY: The question before us has been described as one of justice or injustice, and we have been invited to reject the Amendment of the most rev. Primate (the Archbishop of Canterbury) if we deem it unjust. I am bound to admit the argument urged by the Government that this grant of Ulster glebes was made by the King in a representative capacity, because we knew in those days many things were done by the Royal Prerogative which would in our day be accomplished by Act of Parliament. And I have always been of opinion that the property of the Church must be regarded as a public property held for certain great public objects, with which therefore Parliament is at liberty to deal. I cannot, then, admit the argument put forward by the most rev. Primate based upon the ground of strict justice. I should be glad if I could support this Amendment on the ground of policy. I have always affirmed that it is a matter of great public importance that the present Established Church should not, after its disestablishment, be left in a state of entire impoverishment, and that it is desirable we should not recognize the voluntary principle in the manner which this Bill proposes to do. This is most desirable for the interests of our own Church, because I am persuaded that by so recognizing the justice of what is called the voluntary principle in Ireland, we give instruction which will be used against ourselves. The effect of the course we are taking will be to unite all parties in Ireland—the Protestants who will be deprived of their property, and the Roman Catholics to whom we refuse to give anything, and we shall unite with them the numerically small but politically most powerful party represented in this country by the Liberation Society, who honestly tell us that this measure is a step towards an attack upon our own Church. I hold it to be most impolitic that we should settle this question in such a manner as to strengthen that party, and I cannot but hold that we are proceeding in that direction when we go so near to the total impoverishment of the Protestant Church. I should on that ground have been most anxious to accept the Amendment of the most rev. Prelate, and to vote for the proposition which he has made with regard to the Ulster grant; but that course is for me rendered totally impossible by what has already occurred in this House. My noble Friend who spoke first on behalf of the Government (Lord Dufferin), and the noble Viscount with spoke very lately (Viscount Monck) have both referred to the decision of Friday night as bearing on this subject. The decision of Friday night has, indeed, a most important bearing on this question. The proposition of the noble Duke (the Duke of Cleveland) to grant houses and a moderate amount of glebe land to the clergy of the Roman Catholic and Presbyterian Churches was supported by a very great majority of the independent Members of this House, who have not lately been in Office, and especially by those independent Peers who are connected with Ireland and who have most stake in the country. Those whose judgment and experience entitle their opinion to the greatest weight were by an enormous majority in favour of the proposition. Those who supported the proposition of the noble Duke showed, with a power of reasoning, which has seldom been equalled, the great advantage which would be derived from the adoption of that proposal. I would refer especially to the speech of a noble Lord, a former Chief Secretary for Ireland (Lord Athlumney), who declared that the Amendment would be a measure of peace and conciliation to Ireland, and that the Bill without that Amendment would be a measure of a contrary character. How were these arguments met on behalf of the Government, and by the leaders of the Opposition? There was hardly one who ventured to argue the case upon its own merits. Some Members of the Government distinctly admitted that, in their judgment, an arrangement of this question, founded upon the principle embodied in the Amendment, would be the best, and that it was the one which they should prefer; but they said that, unfortunately, so large a proportion of the inhabitants of England and Scotland were of a contrary way of thinking that, in deference to what they believed to be ignorant prejudice and mistaken views, they thought it their duty to refuse to be parties to a measure for applying Irish property in the manner best calculated to promote the welfare of Ireland. We saw what to me was the painful spectacle of a Minister of the Crown, in terms not to be mistaken, putting his resistence to the Amendments entirely upon deference to opinions which he considered to be a mistake. He said the verdict of the country was pronounced upon the question. That way of arguing the question involves a considerable alteration of what has hitherto been the practice under the Constitution. Is it to be the rule in future that the decision of great questions is to be taken out of the domain of Parliament, that Parliament is to cease to be a deliberative assembly, that it is to be converted into a mere meeting of delegates to register decisions arrived at out-of-doors, and that such questions are to be decided by excited multitudes in front of hustings and at election meetings? Are we to throw over the notion that we were formerly taught to entertain that it was the duty of honourable and high-minded men to refuse to make themselves instruments of a policy of which they did not approve? Is it in future to be a sufficient excuse for a Minister of the Crown advocating a measure which he cannot defend upon grounds of justice and expediency, that the nation has pronounced a verdict which it is our duty to give effect to? In future are success, and success only, and the maintenance of a Government in Office, to be the objects to be kept in view, and not the deliberate consideration of the welfare of the nation? If your Lordships will seriously consider this you will see that it involves a very great innovation. Let me further call attention to the effect which the rejection of a measure upon this ground must have upon the minds of the Irish people. If they are to be told—"It would be greatly to your benefit that the clergy should have glebes and houses provided by the State, but it cannot be, because a certain proportion of the people of England and Scotland say they can be no parties to the endowment of error," when the Roman Catholics have gained their immediate object of pulling down the Church, and when they calmly consider the real grounds upon which the proposal was rejected, in what light will the matter present itself to them? Will it appear to them that this measure has been brought forward with respect for religious freedom and for the rights of conscience? Will it appear to them that it is a measure founded upon ideas of Christian charity and benevolence? Or will it appear to them that those who have used them as instruments to overthrow the English Church in Ireland do not intend to act towards the Roman Catholics in that spirit of equality and fairness which they have a right to expect? Is this or is it not likely to be the impression produced upon the people of Ireland? Is not the course proposed likely to convince them that they have not been equally treated? I therefore regret the vote of Friday night as a most disastrous vote—disastrous alike to England and Ireland, and calculated to strengthen the impression of injustice.

EARL BEAUCHAMP: I rise to Order. I put it to your Lordships whether upon the successive clauses of this Bill we are to discuss matters which have been already decided.

EARL GREY: The decision come to the other night bears directly and immediately upon the clause now before us, and that which otherwise would have been expedient has ceased to be so. If the noble Earl were more acquainted with the practice of the House he would not, under these circumstances, call a speaker to Order. The effect of the division the other evening was to refuse glebes to the Roman Catholics, and I have now endeavoured to show that this was a great mistake, in order to support my argument that in the face of that decision it would be unjust and unwise to adopt the Motion now before us, and thus to preserve, for the benefit of the Protestant religion, a much larger amount of glebe lands than was asked for in the case of the Roman Catholics. Though I believe that the proposal might have been agreed to with advantage if the House had come to a different decision on Friday evening, I think, under the present circumstances, its only effect would be to increase the ill effects which I foresee are likely to ensue from that vote. I trust that the question will not be allowed to remain where it is, but that some noble Lord will afford the Committee an opportunity of re-considering the vote at which they arrived the other evening, though I cannot entertain any very great hope that the attempt will be successful. Under these circumstances, therefore, I must refuse that concurrence to the Amendment of the right rev. Prelate which, under other circumstances, I should have willingly given to it. I will only add that by the forms of the House I am aware that it was impossible to avoid dividing the question of the grants to the Protestant, the Presbyterian, and the Roman Catholic Churches. I, however, supported the Amendment moved by the noble and learned Lord for the relief of the present Established Church the other evening, in the hope that the subsequent one, intended to confer corresponding advantages on the other Churches, would be carried also. But as that Amendment was rejected, it is only right that this should be rejected also, or that the Committee should, at some future period, have the opportunity afforded of rescinding the vote at which they arrived the other evening.

THE EARL OF KIMBERLEY: My Lords, I did not like to interrupt the remarks of the noble Earl (Earl Grey), although they wandered so wide of the clause now under discussion that the rebuke which he administered to the noble Earl opposite (Earl Beauchamp) was scarcely called for. I was anxious it should not be said we were desirous of stifling discussion, and I therefore remained silent while the noble Earl took us so severely to task for our conduct on what I shall call concurrent endowment. The noble Earl said that, by the course the Government had adopted, Members of Parliament were not allowed to support their own opinions, but were reduced to the character of delegates. If my noble Friend founds what he has said upon any remarks of mine, I utterly deny the interpretation he has placed upon them. What I said on Friday night was, that in 1866, 1867, and 1868, the question was before the country, and that at that time public opinion was not favourable to the proposal so much approved by my noble Friend and by Earl Russell. As to the conduct of the present Government, what I said was that when we went to the country last year we considered what our course should be, and we came to the conclusion that it would not be possible to propose any scheme of concurrent endowment; and we came to this conclusion openly and before the face of the country, upon grounds, as my noble Friend put it, of justice and expediency. We thought justice required that this measure should pass, and we thought that expediency required it should be so framed so as to meet with a ready acceptance both with Parliament and with the country. We thought, too, that these results could not have been attained if we had adopted the scheme which my noble Friend favours. I am glad that my noble Friend agrees with us as to the advisability of adopting this clause, which we defend on the ground that these grants to Ulster were, to a great extent, re-grants of land which formerly belonged to the Church, and also upon the ground that these grants were made for the general good of the country, and not for the special benefit of any particular portion of the community. I may, perhaps, allude to the argument employed by a right rev. Prelate (the Bishop of Derry), at an earlier period of the evening, when he said that the improvements effected in these lands by the Church constituted a strong claim for the retention of these lands. But the improvements referred to by the right rev. Prelate are generally due to the money and labour not of the clergy, but of the tenants who occupy these glebe lands. I cannot help thinking, too, that when the right rev. Prelate in his eloquent address referred to the great services of the Protestants of Ulster, and to their industry and intelligence, he overlooked the fact that a very large portion of the Protestants of Ulster are not members of the Episcopal Church, but are Presbyterians. I hope your Lordships will not agree to the Amendment.

Lord CAIRNS: I think my noble Friend (Earl Beauchamp) who a short time ago interrupted the remarks of the noble Earl on the cross-Benches (Earl Grey) was perfectly warranted in making the suggestion he did, for the greater portion of the last two speeches to which we have listened has been devoted to the discussion of matters perfectly foreign to the clause. The Committee has been favoured with a retrospect of our proceedings, consisting, as was natural, of a lament on one side and a triumph on the other, over the division which the Committee arrived at on the last night of the debate. Now, the proposal before us is to take out of the general mass of the property of the Church, for the benefit of the Representative Body, those particular glebes which were annexed to benefices in consequence of any Royal grants or letters patent since the second year of the reign of Queen Elizabeth. I dwell upon this because both my noble Friend the Chancellor of the Duchy of Lancaster and the noble Earl opposite (the Earl of Kimberley) have fallen into the error of regarding these glebes as being for the most part re-grants of land granted to the Church before the Reformation, and, therefore, pre-Reformation grants. This would be true if the grants claimed were all grants made to bishoprics in Ulster, because it would be perfectly right to say that during the fifty or 100 years that preceded the reign of James I. the property of the Bishops and the sees in Ulster had been diverted. I also desire to remind your Lordships of the amount of property involved in this Amendment. It has been differently stated, but the glebe lands do not exceed 100,000 acres; and would yield, I believe, about £40,000 a year. The noble Viscount (Viscount Monck) said that the noble Earl below the Gangway (the Earl of Carnarvon) had secured, by his Amendment the other evening, fourteen years' purchase for the holders of the tithe rent-charge. He said—

> "Now, by a return obtained by the noble Marquess on the cross-Benches (the Marquess of Clanricarde) it appeared that the sales of impropriate tithes in the Landed Estates Court produced on an average eighteen years' purchase; so that if property was worth only what it would fetch in the market, then the Irish Church would lose only four years' purchase of the tithe rent-charge."

That was said by one of the Commissioners under the Bill; but is the noble Lord aware of the scheme of the Government? It compensates the holders of tithe rent-charge on the value of their own lives, and upon the average they will receive something like thirteen years' purchase. The difference between thirteen and fourteen years' purchase represents the value of the additional work which the Church Body will have to do. But does the noble Viscount think the sales to which he refers are sales of impropriate rent-charge. This may be sold; but tithe rent-charge cannot be sold. Again, the noble Viscount will find in the Bill that those Irish landlords who are fortunate enough to have enough of money to purchase their tithe rent-charge will be allowed to do so not at eighteen years but at twenty-two and a-half years' purchase. The complaint is, therefore, not between eighteen and fourteen years, but between twenty-two and a-half and thirteen years' purchase. My Lords, a good deal has been said by the noble Earl on the cross-Benches, respecting grounds of policy and expediency; but I put this question on the broad grounds of justice. If it is not a question of justice the Amendment ought to fall. On the ground of justice it ought to be supported if it is to be supported at all. The question is not one of re-endowment of the Church; it is one of absolute right, and I put it on the same footing as that on which both sides are agreed in putting the private endowments, though there is a difference as to the date at which our recognition of the latter ought to commence. The grant of those glebe lands was part and parcel of a scheme for a territorial settlement of Ulster. English and Scotch settlers were invited to go over to the North of Ireland, not to establish a Protestant ascendancy, but to establish a Protestant population. As an inducement to such settlers, for every 2,000 acres taken and colonized by the settlers, sixty acres were given by way of glebe for the maintenance of a Protestant clergyman. Remember that at the time of which I am speaking the whole of those lands were in the hands of the King, to do whatever he liked with. He was under no control in that respect, and he not only had the right, but he exercised it. He made grant after grant to individuals. The colonists who went over from England and Scotland would have had a provision for their religion if they had remained in their own country, but unless those grants were made to them they would have had no such provision in Ireland. A contract was entered into with those colonists at that time. Is it for the present generation to break that contract? In his history Sir James Macintosh considers what is the proper course to be taken by a State when it puts an end to a religious establishment and resumes possession of the property. He says—

> "What could Governments do morally and righteously? What is it right for them to do? What would they be enjoined to do by a just superior if such a personage could be found among their fellow-men?"

My Lords, we have no superior among us, but there is one in the United States. There the Parliamentary power is controlled by the Supreme Court. What we are going through now was experienced in the State of Virginia with regard to the Church of England. In 1606 the Church was established in that State, and James I. made a grant of glebes; and in the reign of Charles II., in 1660, a law was passed providing means for the maintenance of ministers of the Established Church. In 1740, an Act was passed which provided a salary of 1,600lb. of tobacco for the clergyman of every parish, and that in every parish a good and convenient glebe of 200 acres should be purchased by the vestry, and the charge of the same should be met by all titheable property in the said parish. In 1784 the Church was disestablished in Virginia. In 1798 an Act was passed by the State of Virginia, the Preamble of which is as follows:—

> "Whereas the Constitution of the State of Virginia hath pronounced the Government of the King of England to have been totally dissolved by the Revolution; hath substituted in place of the Civil Government so dissolved a new Civil Government, and hath in the Bill of Rights excepted from the powers given to the substituted Government the power of reviving any species of ecclesiastical or Church Govern-

ment in lieu of that so dissolved by referring the subject of religion to conscience; and whereas the several Acts presently recited do admit the Church established under the Regal Government to have continued so subsequently to the Constitution; have bestowed property upon the Church; have asserted a legislative right to establish any religious sect; and have incorporated religious sects, all of which is inconsistent with the principles of the Constitution and of religious freedom, and manifestly tends to the re-establishment of a National Church."

The Act of 1801 has the following Preamble:—

> "Whereas the General Assembly on the 24th of January, 1799, by a law of that date repealed all the laws relative to the late Protestant Episcopal Church, and declared a true exposition of the Bill of Rights and Constitution respecting the same to be contained in the Act entitled 'An Act for Establishing Religious Freedom,' thereby recognizing the principle that all property formerly belonging to the said Church of every description devolved on the good people of this Commonwealth on the dissolution of the British Government here in the same degree in which the right and interest of the said Church was derived therein from them. And although the General Assembly possesses the right of authorizing a sale of all such property indiscriminately, yet being desirous to reconcile all the good people of this Commonwealth, it is deemed inexpedient at this time to disturb the possession of the present incumbents."

The Act proceeded to direct the overseers of the poor within each county wherein any glebe land was vacant, or should become so by the death or removal of any incumbent, to sell all such lands and every other property incident thereto, and to appropriate the money arising therefrom to secular purposes. Now, can anything tally more exactly up to that point with what is occurring now? In pursuance of this law, the municipality of Alexandria sold the glebe lands. I must remark that the limit of the Parliamentary power of the various States is as follows:—

> "No State shall pass any Bill of attainder, *ex post facto* law, or law impairing the obligation of contracts."

The question came under the consideration of the Supreme Court of the United States, and the result was a decision which was received as a leading authority in all parts of that country. The Court held that the Legislature had perfect power to destroy the Establishment, to take away all public right of patronage and cure of souls, and all compulsory legislation for the support of the Church, but that it had no right whatever to take away the glebe lands which were acquired under the circumstances I have mentioned. The following extracts from Mr. Justice Story's *Commentaries on the Constitution of the United States* will give a general idea of the extent to which this prohibition of laws impairing the obligation of contracts operates as a protection to what are known in this country as the vested interests of individuals or corporate bodies—

> "It has been already stated that a grant is a contract within the meaning of the Constitution, as much as an unexecuted agreement. The prohibition, therefore, equally reaches all interferences with private grants and private conveyances, of whatever nature they may be. But it has been made a question whether it applies in the same extent to contracts and grants of a State created directly by law, or made by some authorized agent in pursuance of a law. It has been suggested that in such cases it is to be deemed an act of the legislative power; and that all laws are repealable by the same authority which enacted them. But it has been decided upon solemn argument that contracts and grants made by a State are not less within the reach of the prohibition than contracts and grants of private persons; that the question is not whether such contracts or grants are made directly by law in the form of legislation, or in any other form, but whether they exist at all. . . . . And grants of land, once voluntarily made by a State by a special law, or under general laws, when once perfected are equally as incapable of being resumed by a subsequent law as those founded on a valuable consideration. Thus, if a State grant glebe lands or other lands to parishes, towns, or private persons gratuitously, they constitute irrevocable executed contracts. And it may be laid down as a general principle that whenever a law is in its own nature a contract, and absolute rights have vested under it, a repeal of that law cannot divest those rights or annihilate or impair the title so acquired. [Theodore Sedgwick, in his *Statutory Law*, p. 625, states the principle thus—'That a Legislature can no more withdraw its grant than a donor his gift when delivered, is now to be considered perfectly well settled.'] A grant (as has been already stated) amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it."

This was the rule adopted in the United States, which neither in their constitution nor in the doctrines of their law had ever been accused of too great leniency to endowments or establishments. The Legislature of Virginia had attempted to do what their Lordships were now asked to do in reference to these glebe lands; but they were controlled and prevented from doing it by the Supreme Court, upon the ground that the sacredness of grants would have been violated by the statute. Again, what was done in the case of Canada, which was referred to by the First Minister of the Crown as the great precedent for this

Bill? The Church was disestablished in Canada, and the property called the "Clergy Reserves," in which no particular localities had any interest whatever, were taken by the State; but the rectories created for the purpose of endowing particular localities were allowed to remain intact, and were regarded as property which was in no way to be disturbed. With regard to the case immediately under discussion, of the glebes and glebe lands in Ulster, I do not base it on the interests of the life holders, but on the broad and general ground that there would be a breach of the contract made with the settlers who colonized the country on the faith of these grants being made if those grants were resumed by Parliament.

THE LORD CHANCELLOR: I will not enter into a lengthened examination of the authorities cited by the noble and learned Lord (Lord Cairns) because if I did so the result would be a species of argument like those which are often heard at the bar of this House, though not in a political debate. I will content myself with remarking that the Supreme Court of the United States sit, as your Lordships are aware, as judges in reference to the action of single States, and the quotation laid before your Lordships by my noble and learned Friend amounts only to this—that the Supreme Court decided that the State Legislature of Virginia had not sovereign power to do what it did. No one, however, can question the constitutional right of the three Estates of this Realm to pass any measure they may deem beneficial for the interests of the United Kingdom. The proposal of the most rev. Primate (the Archbishop of Canterbury) is to give £40,000 a year in round numbers, £1,000,000 to the Episcopalian Church in Ulster. The Roman Catholics, who form more than half the population of the province, are to have none of it. The Presbyterians, who are as five to three compared with the Episcopalians, are to have none of it. It is simply to be handed over to the 300,000 or 400,000 members of the Episcopal Church in Ulster. It has been said that this was the case of a private grant, but the terms of the grant of King Charles I. show the contrary. It is clear that this grant is made for Imperial interests, and the King reserves to himself a right to resume the grant if these interests are not regarded. But King James invited settlers from Scotland as well as from England. It is true that the Episcopal Church was at that time in Scotland. But the bulk of the people there, were Presbyterians, as their descendants are now. The King also allowed a certain number of the best affected Irish Catholics to settle on the land, and Catholics now formed the bulk of the population of Ulster. Are these Presbyterians and Catholics not to be remembered in dealing with this property? My Lords, I do not think it needs a lengthened argument to show that these glebes come within the purview of the Bill. The speech of my noble and learned Friend was really a speech against the second reading of the Bill, and it therefore is really unnecessary to discuss the points which he raised. But before sitting down I should like to take notice of the repeated and extraordinary expressions made use of by the noble Earl (Earl Grey) as to the want of honour and rightmindedness on the part of those who occupy these (the Ministerial) Benches on the subject of concurrent endowment. The noble Earl is not now present, but in his absence I may say that I give him credit for honour, high-mindedness, and integrity in the highest degree; but I must deny his right to constitute himself the judge of my honour, right-mindedness, and integrity, or that of the occupants of this Bench. What is the argument of the noble Earl? Because some of us have said that a certain course would have been desirable if there had been a common concurrence respecting it on the part of all the nation, the noble Earl declares that we are, therefore, lacking in honour and high-mindedness, for adopting as practical men the plan which the nation desires. Now, I have been brought up in a school of politicians which thinks that the will of the nation has a great deal to do with every great question of legislation. That will we have ascertained in the proper constitutional manner by an appeal to the constituencies, and he is unfit for a statesman who is not instructed by the expression of that will. A statesman is not to be dictated to by it; he is not to do—God forbid that he should!—one thing which he thinks is wrong because the nation has spoken; but if the thing be not wrong—if it be a mere choice between two things, one of which he may think better than the other, though he may think both good, I say that, as a wise

Minister, he will be guided by seeing what is practicable and what is not practicable. The noble Earl has said—"You legislate for Ireland by the votes of the English and the Scotch." But he forgets that we have as great a majority in favour of our measure in Ireland as we have in England. Why, therefore, are we to thrust upon the nation, with a *doctrinaire* perversity, that which the nation has clearly declined to have. To adopt what we think right for the nation, independent of the will of the nation, is government upon paternal principles: and I think the time for such government has gone by. The right rev. Prelate (the Bishop of Derry) spoke of the despair, the dismay, the pain, and the anguish which the proposal of the Government has occasioned in Ulster. I only beg to remind him, in reply, that the town which gives its name to his see has returned to Parliament a Gentleman favourable to our measure.

The Bishop of Ely said, they were told that Church property was national property, and that all Churches and sects were to be placed on a footing of equality. *In limine* he demurred to the assertion that Church property was national property; it was public property, which the nation held in trust for the furtherance of great public interests. However, it had been determined that this property should be treated as national, and at the bottom of all the arguments which had been urged this evening against the Amendment was the feeling that if these glebe lands were retained by the Protestant Church in Ulster there would not be religious equality. Now, it must be remembered that unestablished Churches always acquired a considerable amount of property. Roman Catholics, Presbyterians, and other Dissenting sects in Ireland owned considerable property, and no one knew the amount of it. But everybody knew perfectly well what the property of the Established Church was. In appropriating that, therefore, you left to other sects their private property. True, you gave to individual members of the Established Church compensation for private interests, and you left the churches and the parsonage houses, from which he believed the Roman Catholics themselves would be sorry to see the ministers of the Church ejected. But this was all. Roman Catholics and Presbyterians had a great deal more than this, and therefore you would not have religious equality unless you gave the Established Church something else. He regretted greatly that the House had decided against the grant of glebe houses to Roman Catholics and Presbyterians, because that would have prevented the appearance of inequality; but he maintained that the grant of these Ulster glebes to the Church would, for the reasons he had stated, be a much nearer approach to religious equality. The noble and learned Lord (the Lord Chancellor) had stated that he should be ashamed of his religion if he did not think it could make its way even when stripped of its endowments. It was very easy to say that; but it was hard to let a Church grow up in the midst of a nation, under the protection of the Government, and then when it was no longer an infant Church, like the Apostolic Church, suddenly to turn it out upon the world. You might compare this to the case of a father who sent a young man out to the colonies at twenty and gave him £100. The young man in the full vigour of life might make his way and do well; but if the same youth grew up at home in peace and prosperity, and perhaps in luxury, and then at fifty were turned out to make a fortune for himself, it was not likely he would succeed. No doubt there was such a thing as Apostolic poverty, but noble Lords, who referred to it, might remember that it was poverty of the laity, as much as of the clergy. It was of the laity that we read that they sold their possessions and brought them to the feet of the Apostles. St. Paul, who set a noble example of poverty, continually advocated this principle, that as those who served the altar lived by the altar, so they who preached the Gospel should live by the Gospel. He drew a complete parallel between the maintenance of the Levites under the Law and that of the clergy under the Gospel: which proves plainly enough that though Apostolic poverty was the fittest condition for clergy and laity alike in the infant Church, it was never contemplated by the Apostles as the normal condition of settled Churches in the midst of wealthy communities. To strip the Church naked and turn it out into the world by the side of other Churches largely endowed and highly organized would be to place it in so trying a position that it would require something like a miracle to have it maintain itself.

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*Resolved* in the *Affirmative.*

Clause, as amended, *agreed to.*

Clause 30 (Enactments with respect to mixed endowments) *agreed to.*

Clause 31 (Moveable chattels belonging to sees or churches) *agreed to.*

[*Management of property by Commissioners.*]

Clause 32 (Limitation of right to purchase fee simple in consideration of perpetual rent) *agreed to.*

Clause 33 (Sale of tithe rent-charge to owners of land).

THE EARL OF LIMERICK, in rising to move in page 17, lines 19 and 20, after ("rentcharge") to insert—

("Less such sum in the pound as such owner shall be ascertained by the commissioners to have been, on an average of five years preceding the passing of this Act entitled to deduct for poor rates.")

said, that the alteration he proposed would not make much difference in the amount of the surplus; but, at the same time, it was desirable that the clause should be so amended as to be freed from an error in the computation. The clause as it stood entitled the Commissioners to effect a sale of the tithe rent-charge at twenty-two and a-half years' purchase upon its nominal amount, without taking into consideration any deduction from it.

Now, he proposed that the amount of poor rates paid on an average during five years before the passing of the Act should be deducted, and he might claim the support of the noble Viscount opposite (Viscount Monck), who had stated that the clear market value was only eighteen years' purchase.

Amendment *moved*, line 19, after ("rent-charge") to insert—

("Less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates.")—(*The Earl of Limerick.*)

LORD NORTHBROOK said, that the precise words of the noble Earl's Amendment were inserted in the latter part of the clause. Was it necessary to re-insert them? The matter had been argued at length in the other House, and the compromise eventually agreed to was approved by the Royal Commissioners.

LORD CAIRNS observed that the clause provided for those who wished to purchase at twenty-two and a-half years' purchase, and for those who applied to let the charge lapse by the financial operations of the Government; but no course was defined for those cases in which the landlord, either from being a minor or other cause, did not apply, but simply remained quiescent. How would he be put in motion?

LORD NORTHBROOK said, the question would be considered by the Government.

THE EARL OF LIMERICK said, that he must press his Amendment, the explanation of the noble Lord (Lord Northbrook) being unsatisfactory.

EARL GREY said, he thought it would have been more straight forward if the Government had introduced a clause stating in express terms that, at the end of fifty-two years, the tithe rent-charge would wholly cease. At present, the Bill offered the tithe rent-charge at a price which no man in his senses would pay; and, in default of his accepting the offer, made a nominal loan to him, and caused the charge to lapse at the end of fifty-two years. But why should property, valuable for public purposes, be given to the Irish landlords fifty-two years hence? The difficulties of the country would be far less then than now; and if it were deemed advisable to give anything to the landlords, by all means let it be given now, when it would be of some service. He was utterly unable to understand any principle which could justify abolishing, after a certain number of years, a public charge upon the land of Ireland.

THE DUKE OF NORTHUMBERLAND said, that many persons had purchased land in Ireland, subject to that charge, and he could not see the justice of giving it up. They would not only have to bear that charge during their lifetime, but to support their Church as well. How could this be reconciled with the principle of justice, upon which the Government professed to found their Bill?

LORD NORTHBROOK said, the arrangement was somewhat difficult to understand; but it was to be observed that the Irish Church Commissioners distinctly recommended in their Report that this tithe rent-charge should be commuted — that it appeared to them that it would be expedient to empower owners to redeem on fair terms; and acting upon their recommendation, the Government had devised a financial scheme which would work satisfactorily to all the three parties concerned. First, the Exchequer lent money at 3½ per cent, which, considering the state of the money market, and that the Exchequer borrowed at the rate of 3 per cent, was not an unfair rate. Next, the new Commissioners would, no doubt, receive a capital of £9,250,000, in consequence of the arrangement. The Church fund would suffer in no way. Then, as to the landlords; they could buy up their tithe rent-charge at once, or find themselves relieved of it at the end of fifty-two years; and the arrangement was not a bad one for them. The gross rent-charge was £405,000, which gave about £9,250,000 at twenty-two and a-half years' purchase. The interest upon that was £320,000, at 3½ per cent; and, as the arrangement was made at 4½, there would be about 1 per cent put by to replace capital, for which fifty-two years would be sufficient.

THE MARQUESS OF CLANRICARDE said, he could not understand how the present landlords would benefit when they had to pay their tithe rent-charge and support their Church as well.

EARL GRANVILLE said, he was delighted to find that his argument on introducing the Bill directed against the charge that the Government had endeavoured to bribe the landlords by this proposal was quite unnecessary; it seemed now that the clause was of no value at all to the landlords, but rather the reverse.

THE MARQUESS OF SALISBURY said, that, as between landlords and lunatics, he preferred the landlords. He had been trying to think of a phrase that would not wound the susceptibilities of those on the Ministerial Bench, and he would say that this was not a frank-speaking Bill. It was full of conjuring tricks. Noble Lords desired, and he thought rightly, to give some grant to Maynooth, but instead of doing so in a straightforward manner the Bill estimated the value of the life interests in bricks and mortar. They desired to give compensation for the *Regium Donum,* and their plan was to take *Regium Donum* and Maynooth together, and calculate the life interests in the whole. It was wished that the landlords of Ireland should be dealt with liberally and justly; but the Bill contained, instead of a plain and simple provision, an extraordinary puzzle which would be without a parallel in the statute book. There were contradictions between parts of the Bill and the professions of the Government. They professed to be animated by a desire to do the best they could for the Irish Church; but the Bill was one of the most penurious and exacting Bills ever devised. If the Government had come forward boldly and allowed their clauses to represent their principles distinctly, without attempting to work round to those principles by the extraordinary devices of which this clause was a sample, they would have commended their proposals much more to thinking men out-of-doors and to the Members of their Lordships' House.

On Question? Their Lordships *divided:*—Contents 91; Not-Contents 64: Majority 27.

*Resolved* in the *Affirmative.*

Clause, as amended, *agreed to.*

Clause 34 (Commissioners may purchase surrender or assignment of lease), *agreed to.*

Clause 35 (Power of commissioners to sell their property).

LORD HOUGHTON said, that to a certain degree the clause anticipated the question which it was understood was reserved for next year; one portion of it declaring that the Commissioners shall in the first instance offer to sell the fee simple of the land to the lessee or tenant. He thought their Lordships ought not to pass without some notice a clause involving a principle so important as that of giving the sanction of the Government to the sale of property for the purpose of creating small holdings. It appeared to introduce into the Bill a matter which was entirely alien to its principle, and one which had apparently been introduced with some ulterior object.

EARL GRANVILLE entirely denied the interpretation that the noble Lord had put upon the clause. The clause was in perfect conformity with the principle of the Bill. Its object was merely to give the right of pre-emption to the actual lessees.

LORD CAIRNS said, that the Commissioners could, if they desired, name a price sufficiently high to exclude all possibility of the land being purchased by the lessees.

Clause *agreed to* with an Amendment.

Clause 36 (Orders of commissioners operating as conveyance or mortgage to be liable to same stamp duty as conveyances or mortgages)

Clause 37 (Payment of money into bank)

Clause 38 (Accounts of capital and revenues)

*Agreed to.*

[*Regium Donum and College of Maynooth.*]

Clause 39 (Compensation to nonconforming ministers).

THE EARL OF COURTOWN, who had placed on the Paper an Amendment to strike out this clause, said that he would not press his Motion, as he had reason to believe that it would not receive their Lordships' support. He desired, however, to enter his solemn protest against the application of an Irish fund to the relief of Imperial taxation; and though he thought that those who derived benefit from the *Regium Donum* and the Maynooth Grant ought to be compensated fully and freely, he could not help thinking that the nation was exhibiting its generosity at the expense of what was Irish money. He accepted the decision which had been arrived at as the decision of the majority of one House of Parliament, but not as the decision of the country, before whom the subject had never been fully laid.

Clause *agreed to.*

Clause 40 (Commutation of annuities of nonconformist ministers and professors at Belfast) *agreed to.*

Clause 41 (Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums).

Amendments made.

LORD FITZWALTER *moved* "to disagree to the said clause as amended," which he believed to be repulsive to the feelings of the people of England and Scotland.

THE EARL OF CLANCARTY, in supporting the Motion, said, he considered that there was no proper connection between the disendowment of Maynooth and the disendowment of the Protestant Church. Maynooth was a College established and endowed in permanence, no longer ago than 1845, with the deliberate assent of both Houses of Parliament, and it had thenceforth been constituted as the Royal College of Maynooth—one of the institutions of the country. He had strongly objected to and contended against the Bill for its establishment; but he saw no reason or justification for now disturbing it after its having been so deliberately established upon the good faith of Parliament. If the present House of Commons wished to disendow that establishment, it was for them to provide out of funds legitimately at their disposal for such compensation as they might consider the collegiate body entitled to; but it was only adding insult to the injury already done to the Protestant Church in Ireland to take from the Church Body the funds required for the future capitalized endowment of an institution expressly designed for the teaching of doctrines the most opposed to those of the Reformed faith. The establishment of Maynooth had been undoubtedly the admission of the principle of endowing the Roman Catholic Church in antagonism to the national Protestant Establishment; but the concession had been made. He considered that the College had conferred no benefit upon the country. It had sent forth as teachers of the people a clergy generally narrow-minded, intolerant, and imbued with Ultramontane principles; whereas previously the priests of Ireland, for the most part educated abroad, came into the country with more enlarged views, and were better members of society. The Roman Catholic clergy had gradually come to be fully recognized in their parochial functions as parish priests; he would, therefore, consider it a very salutary exchange for the country, though it might be more costly, if in lieu of any endowment for Maynooth College, grants of glebe houses and gardens should be made, as proposed lately in Committee, for the residences of parish priests; but he conceived that there was nothing in the anti-Church movement to justify the abstractions from the funds of the Irish Church, for the purpose of relieving the Imperial Exchequer from a pecuniary burden that was imposed upon it by the deliberate vote of the Imperial Parliament.

THE EARL OF BANDON said, he had always opposed the Maynooth Grant during the many years he sat in the House of Commons. It had signally failed to attain the object with which it was conceded by Parliament—the conciliation of the Roman Catholics. He could not see why the compensation for an annual amount which had been paid out of the Consolidated Fund should be paid out of the funds of the Irish Church.

LORD CAIRNS: My Lords, certain pledges were given, in the course of last year, by those who now form Her Majesty's Government, which, I think, were very clearly understood by the country. One of those pledges was that no part of the property of the Irish Church should be used for the endowment of any other denomination, or for the payment of the teachers of any other denomination. Another of those pledges was that the property of the Irish Church should not be applied for any other than Irish uses. In my opinion, neither of those pledges has been observed. That a portion of the funds of the Irish Church is to be applied to the payment of the teachers of another denomination is clear, and it is equally manifest that a portion of those funds is to be applied to purposes which are not Irish. The grant to Maynooth and the *Regium Donum* have both been paid out of Imperial funds. If compensation is to be given for them it also ought to be paid out of Imperial funds. I am not, however, prepared to vote for striking out the clauses relating to Maynooth and the *Regium Donum*. I think we are all agreed that, whatever may have been the policy of granting an annual sum to Maynooth, full compensation ought to be given for that grant. We are also agreed that compensation ought to be given for the *Regium Donum*. A good deal has been said in the course of these debates about liberality. Now, my Lords, I should be the last man to say that any want of liberality should be shown towards Maynooth or towards those who have been in receipt of the *Regium Donum*. The question, then, is whether the compensation should be given out of the funds of the Irish Church or out of Imperial funds. The Bill says that it shall be paid out of the funds of the Irish Church. If we strike that out, the consequence must be that we throw the charge on the Consolidated Fund. But the House of Commons, having fully considered the question, resolved to throw it on the funds of the Church. It appears to me that by adopting the Amendment we should be departing, if not from the letter, certainly from the spirit of our practice, because we should be doing what would be tantamount to throwing a charge on the Consolidated Fund. Therefore, though I think there has been a grave—without meaning any offence to noble Lords opposite, I will say a gross—violation of pledges in this matter, I am not prepared to vote against these clauses.

THE DUKE OF ARGYLL: My Lords, I wish to say that the noble and learned Lord (Lord Cairns) is entirely mistaken when he says there has been a violation of pledges made by those who are now Members of Her Majesty's Government. If the noble and learned Lord will be good enough to refer to the discussions which took place in the House of Commons last year, he will find that on two, if not on three, separate occasions my right hon. Friend who is now at the head of the Government was asked what was to become of the Maynooth Grant, and that, on those occasions, he announced that the grant must cease to be borne by the Consolidated Fund.

EARL GREY said, he entirely dissented from the doctrine laid down by the noble and learned Lord (Lord Cairns). Charges imposed on the Consolidated Fund continued to be borne by that fund until they were put an end to by both Houses; but, according to the noble and learned Lord, they ceased when the House of Commons said they were to cease. To take the grant from Maynooth was a shabby proceeding, and another shabby proceeding was to charge the compensation on the funds of the Irish Church. This charge ought to be an Imperial one.

LORD CAIRNS said, he had been misunderstood by the noble Earl. The *Regium Donum* never had been charged on the Consolidated Fund. The Maynooth Grant had been; but the compensation for both, if not paid out of the property of the Irish Church, must be provided for in the Estimates. It was, therefore, he had said that it would not be within the spirit of the practice of their Lordships' House to oppose the decision of the House of Commons on this matter, when, by doing so, their Lordships would be throwing a charge on the Estimates. He did not see how the explanation of the noble Duke (the Duke of Argyll) applied to promises made in Lancashire and other places as to the disposal of the property of the Irish Church.

THE DUKE OF RUTLAND said, he did not object to the compensation to Maynooth, but he did object to its payment out of the funds of the Irish Church as a monstrous proposition. They were told that the House of Commons had refused to compensate Maynooth out of the Consolidated Fund. He was quite sure that, if applied to, the country would decide that out of the Consolidated Fund the compensation ought to be paid. If his noble Friend who proposed the Amendment went to a division he should support him.

THE EARL OF POWIS said, he thought the Amendments their Lordships had made relating to the Irish Church itself would sufficiently tax the attention of the other House of Parliament, and if their Lordships were to strike out this clause relating to Maynooth they would render it impossible for the Roman Catholic Members in the House of Commons to acquiesce in those Amendments. In the interest of the Irish Church itself he trusted the clause would be agreed to.

THE EARL OF HARROWBY said, he had long been of opinion that Maynooth was unjustly treated by public opinion. No doubt the principles of the Irish Roman Catholic clergy, when Maynooth was founded, were more Gallican—less Ultramontane—than they were now; and the difference had been attributed to Maynooth; but this was not just. The Irish Roman Catholic clergy had shared in the general change of principles which had come over their brethren in all countries; they had not escaped the contagion. But this was not due to Maynooth, but to causes common to them all, and even now if there was any tinge of Gallican principles to be found in Ireland it was to be found in Maynooth. He thought if that institution were broken up matters would be worse in Ireland than they were. Maynooth possessed a body of learned men; at their head was Dr. Russell, a learned Roman Catholic, a gentleman, and a scholar—a man who was well acquainted with the history of his own Church, and who would not make its principles bend to the politics of the day. It was desirable for Ireland that there should be such a body of learned men assembled in one large and well-endowed institution. Liberal opinions stood a better chance of obtaining ground in such an institution than in small and obscure episcopal seminaries scattered over the country, in which education for the Roman Catholic priesthood would otherwise be carried on. Maynooth had never been popular with the Ultramontane party. He should be sorry to see anything done in this Bill which would jeopardize a proper compensation being given to the College.

THE EARL OF COURTOWN said, the clause contained provisions relating to the Presbyterian Widows' and Orphans' Fund, which would be lost if the clause were struck out, This he considered unjust after the House had passed the clauses relating to compensation to the recipients of the *Regium Donum*. He therefore hoped the noble Lord (Lord Fitzwalter) would not persist in his opposition to the clause.

On Question? their Lordships *divided*:—Contents, 146; Not-Contents, 22; Majority, 124.

*Resolved* in the *Affirmative*.

Clause, as amended, *agreed to*.

Clause 42 (Remission of debt to trustess of Maynooth)

Clause 43 (Regulations as to appeal).

Clause 44 (Possession to be given up of 24, Upper Merrion Street)

*Agreed to*.

*The Earl of Harrowby*

THE MARQUESS OF SALISBURY said, that he should withdraw a new clause of which he had given notice—

> "In the event of the formation and incorporation of the representative body hereinbefore mentioned, the commissioners shall pay over to the same the sum of £200,000 to provide for the payment of servants and agents, and other expenses connected with the constitution of the said body and the management of the affairs and property thereof."

After the announcement of the noble Earl (Earl Granville) earlier in the evening, with regard to the grant of £500,000, he did not think it would be fair to press this clause.

Clause 45 (Compensation to Ecclesiastical Commissioners and their officers).

THE ARCHBISHOP OF DUBLIN *moved* an Amendment, securing to the Secretary, the Treasurer, and Solicitor of the Commission, "such an annual sum for their respective lives as shall be equivalent to their present annual emoluments."

EARL GRANVILLE said, he must object to the Amendment, which was unnecessary. These gentlemen were all on salaries, and at this moment had a right to superannuation.

THE MARQUESS OF CLANRICARDE said, he hoped that his noble Friend would consider this, which was really a hard case.

Motion (by leave of the Committee) *withdrawn*.

Clause 46 (Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January, 1869.

THE EARL OF BANDON *moved* in page 24, line 9, after ("registrar") to insert ("or deputy registrar, who, for twenty-five years before the passing of this Act, shall have performed all the duties of registrar.")

THE BISHOP OF TUAM said, he should support the Amendment. He would urge upon Her Majesty's Government the duty of taking such cases into their consideration.

THE EARL OF KIMBERLEY said, that there was a provision in the clause securing compensation to deputy-registrars who should for five years before the passing of the Act have discharged the office of registrars.

EARL NELSON said, he trusted that the claim of the diocesan architects would be also taken into consideration. As diocesan architects they received no salary; but as a perquisite of the office they were appointed upon Commissions to examine into the condition of glebe-houses, and their fees for that duty amounted, in some cases, to £100 or £150 a year. All he asked was that compensation, not an annual salary, should be given them.

LORD DUFFERIN said, that although diocesan architects were a very worthy set of men, to whom the Church was under great obligations, yet it would be impossible to compensate them in the manner proposed. In fact, they had no recognized status to justify compensation.

THE EARL OF CLANCARTY said, that these gentlemen had, if not a vested, an equitable interest, which ought not to be overlooked.

On Question? *Resolved* in the *Negative.*

Clause *agreed to.*

Clauses 47 and 48 *agreed to.*

Clauses 49 to 59 [*Dealings with Property*];

Clauses 60 to 65 [*Power of Commissioners to raise money*]

Clause 66 (Rules as to arbitration)

Clause 67 (Regulations as to vacancies).

*Agreed to*

House *resumed.*

House to be again in Committee *To-morrow.*

### CHARITY COMMISSIONERS BILL [H.L.]

A Bill for amending the Charitable Trusts Act—Was *presented* by The LORD CHANCELLOR; read 1ª. (No. 170.)

### BISHOPS RESIGNATION BILL [H.L.]

A Bill for the relief of Archbishops and Bishops when incapacitated by infirmity—Was *presented* by The Lord Archbishop of CANTERBURY; read 1ª. (No. 171.)

House adjourned at Twelve o'clock,
till To-morrow, half past
Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 5th July,* 1869.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS — *Resolutions in Committee* — Electric Telegraphs.

*Second Reading*—Dublin Freemen Commission [189]; Railways Abandonment* [186]; Fisheries (Ireland)* [190]; Local Government Supplemental (No. 2)* [192]; Inam Lands* [193]; Pensions Commutation* [187]; Shipping Dues Exemption Act (1867) Amendment* [184].

*Second Reading—Referred to Select Committee*—Poor Law (Ireland) Amendment (No. 2)* [173].

*Committee — Report* — Petroleum* [131-194]; High Constables' Office Abolition, &c. (*re-comm.*)* [183-195]; Sunday and Ragged Schools* [170]; Medical Officers Superannuation (Ireland) (*re-comm.*)* [185]; Stipendiary Magistrates (Deputies)* [176].

*Considered as amended*—University Tests* [15].

*Third Reading*—Endowed Hospitals, &c. (Scotland)* [124]; Assessed Rates* [178]; County Courts (Admiralty Jurisdiction) Act (1868) Amendment* [121], and *passed.*

*Withdrawn*—Ecclesiastical Titles* [13].

## EMIGRATION TO WESTERN AUSTRALIA.

### QUESTION.

MR. ALDERMAN J. C. LAWRENCE said, he wished to ask the under Secretary of State for the Colonies, Whether the agreement made with the Governor of Western Australia to send out Emigrants to that Colony at the expense of the Imperial Government has been entirely completed; and, if not, what number of Emigrants have still to be sent out in order to fulfil such obligations undertaken by the Government?

MR. MONSELL said, in reply, that when Western Australia was made a convict station, the Imperial Government had undertaken to send out there a free emigrant for every convict it received, subject to the condition that the colony really required them, and could absorb and provide for them. The number of free emigrants stated by the Legislative Council to be now due to the colony was 3,550, but on investigation that number turned out to be inaccurate, and probably, the true number due was somewhere about 1,800. Unless, however, in answer to a despatch which was about to be sent out to him, the Governor could give satisfactory proof that emigrants were really wanted, and could be absorbed and provided for by the colony, none would be sent out except the families of convicts, and—but this had not yet been altogether determined—a few persons to be nominated for free passage by their relatives in the colony.

### THE SOCIETE INDUSTRIELLE ET AGRICOLE D'EGYPTE.—QUESTION.

Mr. SIDEBOTTOM said, he wished to ask the Under Secretary of State for Foreign Affairs, If his attention has been called to a letter in the City Article of the "Times" of July 1st, relative to the Société Industrielle et Agricole d'Egypte, and whether the following statements are correct:—1. that the Egyptian Government had certified to the Foreign Office their intention of returning eighty per cent to the shareholders of the Company; 2. that this return is limited to the shares held by the Egyptian Trading Company and Messrs. Cavan, Lubbock, and Co.; and, if these statements be correct, what steps Her Majesty's Government propose to adopt in the matter?

Mr. OTWAY, in reply, said, he had seen the letter in *The Times* referred to by the hon. Member. It was not quite accurate to say that the Egyptian Government had certified to the Foreign Office their intention of returning 80 per cent to the shareholders of the Company. There had, in fact, been no direct communication on the subject between the Foreign Office and the Egyptian Government. Colonel Stanton, Her Majesty's Consul General in Egypt, had been under the impression that it was the intention of the Viceroy to purchase the shares of the Company held by French houses at 80 per cent, but it turned out that it was the intention of the Viceroy only to purchase the shares of this Company held by two French houses at the price named. Colonel Stanton was instructed to use his influence in order that all the English shareholders should be placed upon an equal footing with the French shareholders, and the result was that the Viceroy had determined to purchase the shares held by Messrs. Cavan, Lubbock, and Co. and the Egyptian Trading Company at the same price; and, by so doing, it was alleged that the English shareholders had been put upon the same footing as the French shareholders—the shares held by two houses of each country having been purchased at the same price. In reply to the latter part of the hon. Member's Question he had to state that the Consul General in Egypt had been instructed to apply to the Government of the Viceroy that the English shareholders should be treated upon a footing of perfect equality with the French shareholders.

### ARMY — GUNPOWDER MAGAZINES AT UPNOR.—QUESTION.

Mr. P. WYKEHAM MARTIN said, he would beg to ask the Secretary of State for War, Whether any, and, if any, what steps have been taken to reduce the stores of gunpowder which are kept in the magazines at Upnor? 30,000 barrels of gunpowder are stored at that place, in the neighbourhood of 60,000 people, who would be liable to be destroyed in the event of an explosion.

Mr. CARDWELL said, in reply, that, in consequence of representations which had been made to him, considerable reductions had been made already in the amount of gunpowder stored at Upnor, and the remainder was in course of removal. It was intended in future to keep only small arms, ammunition, and, perhaps, saltpetre at that place.

### FIRE INSURANCE DUTY.—QUESTION.

Mr. H. BEAUMONT said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in the case of septennial Fire Insurance Policies which have still a few years to run, and on which Fire Insurance Duty commuted at six years was paid in advance, he will be prepared, now that the Fire Insurance Duty is abolished, to return to the insured (through the Insurance Offices) the amount of Duty paid on such Policies in respect of the period occurring after the abolition of the Duty?

The CHANCELLOR of the EXCHEQUER: In reply, Sir, to the Question of the hon. Member I have to remark that those who insured seven years in advance obtained the remission of one year's duty, and that the arrangement so entered into was made subject to whatever might be the pleasure of Parliament. If the duty had been raised I do not think that those insurers would have applied for permission to pay a larger sum, and they must, therefore, take their chance of what has happened. Under these circumstances, it is not the intention of Government to make any return whatever.

## EXPLOSION AT HOUNSLOW.

### QUESTION.

LORD GEORGE HAMILTON said, he would beg to ask the Secretary of State for the Home Department, If it is the intention of the Government to adopt the suggestion contained in the verdict of the jury at the recent inquest at Hounslow — namely, that the Government should appoint permanent Inspectors to carry out more strictly the purposes of the Gunpowder Act?

MR. BRUCE said, in reply, that the Home Department had taken the suggestion referred to by the noble Lord into consideration. He had to state, however, that the accident had not been traced to any want of vigilance or to any negligence on the part of the Inspectors. As a matter of fact, the magazine in question had been visited by Colonel Younghusband and by Captain Smith about three weeks before the explosion occurred, and they then reported that the state of the magazine was perfectly safe and satisfactory.

## METROPOLIS — CAB STANDS.

### QUESTION.

COLONEL LESLIE said, he would beg to ask the Secretary of State for the Home Department, Whether some means might not be taken to put down the prevalent practice of Cabs plying for fares off the regular stand?

MR. BRUCE, in reply, said, it would be impossible to take any steps against "crawling cabs" till a larger number of stands were provided; for at present there was only room on the stands for about 2,000 vehicles; Colonel Henderson was, however, making a careful survey of the metropolis, with a view to supply the defect.

## ECCLESIASTICAL TITLES.—QUESTION.

MR. MACEVOY said, he would beg to ask the First Lord of the Treasury, Whether the Government have come to any determination with regard to the necessity of legislation on the subject of Ecclesiastical Titles in the United Kingdom; and, if so, when such legislation will be probably proposed?

MR. GLADSTONE said, in reply, that there were two questions involved in the inquiry of the hon. Member. In the first place, the sentiments of the Government were well known to be favourable to the Ecclesiastical Titles Bill introduced by the hon. Member, as matters stood under the present law, although there might be some difference of opinion upon the subject. In the second place, in the event of the Irish Church Bill, now under the consideration of the other House of Parliament, becoming law, the necessity for legislation upon the subject would be acknowledged most freely by those who were now indisposed to such a course. Putting these two things together, he had no hesitation in saying that the necessity for legislation on the subject in the event of the passing of the Irish Church Bill would be imperative, and could not be postponed longer than the next Session of Parliament.

## IRELAND—RIOTS AT PORTADOWN.

### QUESTION.

MR. W. VERNER said, he wished to ask the Chief Secretary for Ireland, Whether, from the reports that have reached the Government relative to the lamentable affray at Portadown on the 1st of July, he considers that the Police were justified in acting on their own responsibility when the assistance of a Magistrate residing on the spot might have been instantly obtained; and, whether their conduct on the occasion is in accordance with the instructions issued by Government for the maintenance of the public peace in Ulster during the July anniversaries?

MR. CHICHESTER FORTESCUE said, in reply, that it would be wrong for him, and he declined, on the part of the Government, to pass any judgment on the conduct of the police, which would be subjected to a strict investigation, both judicially and by the Government, as was absolutely necessary whenever a public force used their firearms against the people. Besides that, the inquest on the body of the unfortunate man who was killed was still proceeding. But he must add that the police could hardly be said to have acted on their own responsibility, because they fired on the order of their sub-inspector, after they had been violently assaulted with stones, and their lives put in danger. Besides, he had no reason to think that they could have reached the local magistrate, who was not at that time with them, or have availed themselves of his assistance at a moment of great pressure and danger, when they were making their way back to their barracks. There were no special instructions issued to the police with reference to the July anniversaries beyond those ordinary rules that they were to preserve the public peace and protect their lives by all legitimate means.

Mr. VANCE said, he wished to ask, Whether the Government will institute an Inquiry into the matter, and what will be its precise nature?

Mr. CHICHESTER FORTESCUE said, that as soon as the inquest was concluded, he would be happy to answer that Question.

Afterwards—

Sir JAMES STRONGE said, he wished to ask the Chief Secretary for Ireland, Whether the Government have received any official information as to a riot which occurred at Portadown, in the county of Armagh, on the evening of the 1st July, when two young men were shot by the Police?

Mr. CHICHESTER FORTESCUE, in reply, said, of course he had received information as to the unfortunate event in question, although he did not know that he could add much to what was contained in the public papers. The state of the case appeared to have been this—On the night of the 1st July two parties of police were sent out patrolling the town and neighbourhood of Portadown. One of those parties, at the time when those occurrences began, were upon one side of a bonfire which had been lighted on the road, and the other party were on the other side, the two being separated from each other by a considerable interval. As far as his official information went, he had no reason to believe that the police interfered with the bonfire, or attempted to put it out, although it was so stated in the public Press. His information went to this—that the first party of police were attacked violently with showers of stones, and, being armed only with sidearms, they were obliged to run for their lives into the country, from which they did not get back to their barracks for many hours, and then they returned one by one, and some of them in disguise. Upon that, the other patrolling party armed themselves, and went in search of their missing comrades, who they had reason to believe were in danger. They were still more violently assailed by the crowd, and after being apparently subjected for a considerable time to volleys of stone, which wounded nearly everyone of the party, they at last, on the order of their sub-inspector, fired, and the unfortunate result was that two young men were shot; the one, being a Protestant, mortally; and the other, a Roman Catholic, not mortally. The police then escaped to their barracks, and so the affair ended. He might add that ample provision had been made for the preservation of the public peace in Portadown, and now there were a large force of police and a company of soldiers in that neighbourhood.

## PARTY PROCESSIONS (IRELAND) ACT.

### QUESTION.

Sir THOMAS BATESON said, he would beg to ask the First Lord of the Treasury, Whether, taking into consideration the fact that the occasion just referred to was the first in Ulster on which there had been a collision between the Police and the Orangemen, and considering the great amount of irritation and excitement in the North of Ireland, he will give the House an opportunity of discussing the Party Processions Act before the 12th of July?

Mr. GLADSTONE: Sir, I am not able to combine the preamble or first part of the hon. Baronet's Question with the closing part of it; and I think it is very doubtful whether, in what he recited in that preamble, there is a reason for the conclusion that he intimates. The case of the Party Processions Act (Ireland) Bill, is peculiar. The hon. Gentleman the Mover of the Bill (Mr. W. Johnston) has declared his view of the subject, and the Government, by the mouth of my right hon. Friend near me (Mr. Chichester Fortescue), have declared their view of it. If the Mover had continued in his place it might have been material to go forward with the discussion on his Bill, because the discussion might have had a practical result, and might have operated on the course of conduct of the Mover, who, as I apprehend, is the person having the principal control of the measure, his Colleague in introducing it being an hon. Friend of mine who sits on this side of the House. But now that the Mover is absent, the discussion would simply be a discussion on the Bill, without the possibility of any practical result. Therefore, the Question of the hon. Baronet really amounts to this—whether the Government is distinctly of opinion that benefit would arise from a general discussion of this subject in the House of Commons at this particular moment in the present state of feeling? We are not satisfied that benefit would be likely so to arise, or that such a discussion would have such a soothing effect—as we may judge from slight indications from time to time in this House—on the public mind, or so contribute to the maintenance of the public peace, which is the main object we all have in view for the moment, as to induce us to interfere with the due course of Public Business in order to give an opportunity for that discussion.

## PROPOSED MONUMENT TO FARADAY.

### QUESTION.

DR. LYON PLAYFAIR said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the following extract of a Letter, purporting to be written by him, dated 5th May, 1869, and read at a public meeting on the 21st June, be correctly reported:—

> "I do not in the least doubt the signal merits of Faraday, and I hope that a monument may be erected worthy of so great a man; but I cannot consent to appropriate public money towards the monument of a private citizen, however illustrious; I do not make this rule—I find it."

And, if it be a correct extract, whether he will state to the House the exact terms of the rule to which he refers, and the date at which it was made?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the extract is perfectly correct; but I am sorry to say that I am not able to state the exact terms of the rule to which I referred. I find that the statues in London, putting aside the Kings, have been erected by means of funds provided in the following manner:—That of Lord Nelson was paid for by public subscription and by Parliamentary Grant. The statue of Richard Cœur de Lion was erected by Parliamentary Grant, aided by private subscription. The statue of Sir John Franklin was erected entirely by Parliamentary Grant. All the other statues have been erected by subscription; and I deduce from these facts the rule that it is not the general custom for Parliament to make grants for this purpose. Of course, Lord Nelson was an exceptional person, who does not appear twice, perhaps, in the history of a nation. The only other exception was the recent one of Sir John Franklin, whose strange and tragic death and the feeling occasioned by it may well account for his case being made an exception. I think, also, that the history of England shows that it has not been customary for us to erect monuments at the public expense to private citizens, however illustrious they may have been. Take the catalogue of illustrious names—Shakespeare, Milton, Newton, and Locke—and you will find that no monuments were erected at the public expense to their memory. Without any disrespect, therefore, to his memory, I think that Faraday may be well content to be passed by in such company. I will say, further, that the principle of this country has been to have its citizens actuated by a feeling of duty rather than of glory, and that the nation is not in an ascending scale which is prodigal of its rewards.

## DUBLIN FREEMEN COMMISSION BILL.

(*Mr. Attorney General for Ireland, Mr. Chichester Fortescue.*)

[BILL 189.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General for Ireland.*)

SIR FREDERICK W. HEYGATE, in rising to move that the Bill be read a second time upon this day three months, said, that disguise it as they might, it was universally believed by the country that this was a Bill of a very exceptional character, an *ex post facto* Bill, which was not only bad in itself, but would form a most pernicious precedent. Hon. Gentlemen opposite said it was impossible to please Members on that the Opposition side, whatever form the legislation on this subject assumed. He admitted it. When the change was made in the Law of Election Petitions last year, the House was told that if they got rid of the Election Committees and transferred their jurisdiction to the Judges, all imputations upon the fairness of their decisions would be removed, these questrons being removed from the arena of the House. It was said that the Judges would go to the spot, that they were above all suspicion of political bias, and that when they were sent down to make these inquiries the House would have done everything that was possible. Having now trusted the Judges with this great commission, it was not for the House to go behind their backs and institute an inquiry as to whether the facts had been fairly investigated, and whether the House ought to believe their Reports. The greater the weight which ought to attach to the Report of a Judge the more necessary it was to inquire whether it justified the proceedings by which it was to be followed. He asserted, without fear of contradiction, that the House would not have taken the step which they were now asked to take if they had been acting upon the Report of an Election Committee instead of that of a Judge. The right hon. Member for Morpeth (Sir George Grey) had betrayed the *animus* by which he and those around him had been animated; but nothing could be worse than that the House should be governed by political or party motives in taking the course that was now proposed against the freemen of Dublin. The only motives he could imagine for this Bill were either to discover a greater number of culprits for prosecution, or to discredit the freemen of Dublin, so as to lead to their disfranchisement. With regard to the prosecution of these delinquents, he would not believe that if a Commission issued it would be likely to obtain the names of any more freemen who had been bribed. It was impossible to suppose that the Election Commissioners would be in a better position than the Judge, or that they could, indeed, take so severe and stringent a course as he was enabled to pursue against the delinquents. The object of the Bill was, in fact, not to obtain an additional number of culprits, but to disfranchise the freemen of Dublin. He went to the consideration of this question with no prepossessions in favour of freemen as a body—rather the contrary. But he must say that the freemen of Dublin seemed to him to be favourable specimens of the class. The guilt of no more than fifty-nine had been proved before the Judge out of the whole body, which numbered nearly 3,000, and it was obviously unjust that the offences of the few should be visited on the heads of their innocent brethren. He found that those hon. Members who supported the Bill, however disposed they might be to punish or disfranchise the freemen of Dublin, took a very different view of freemen elsewhere, and invariably had a particular regard and esteem for those freemen of their constituencies who had voted for them. Were the Government, with a majority of some 118 at their back, so afraid of the result of a new election for the City of Dublin, which might, he hoped, be the return of a Conservative Member—that they would not allow the issue of the Writ? He believed the House would have reason deeply to repent this dead set at a small portion of a particular class in one constituency, while they shut their eyes at the practices which prevailed in so many others. The country would say that the House of Commons from party motives had determined to strain the Judge's Report, which did not justify the issuing of a Commission. It would be no imputation on the learned Judge if the House did not act on his Report. It would be better to have an inquiry into the case of freemen generally, than resort to this unconstitutional *ex post facto* legislation in the case of Dublin, when Bradford, York, and other places had escaped. He moved that the Bill be read a second time this day three months.

MR. E. WINGFIELD VERNER said, he must strongly protest against the Bill, which had evidently been brought forward to disfranchise the freemen of Dublin because three-fourths of them had expressed dislike to the First Lord of the Treasury and the policy he advocated. Anyone who knew the constituency of Dublin would recognize the intolerant hand which guided this action. An attempt was made to cry down the Protestants in that city. Under the plea of religious equality the greatest tyranny was exercised. A number of medical men joined in the cry; and they proceeded to such lengths as to insist that, even in the case of hospitals endowed by Protestants, Protestant doctors ought not to be appointed, because the majority of their patients were Roman Catholics. This Bill was a gross insult to a body which comprised a considerable amount of the intelligence, wealth, and respectability of the constituency. Why had not a similar Bill been introduced for Galway, Youghal, and Bradford? The same Judge (Justice Keogh), out of 449 freemen named fourteen, and mentioned that from eighty to 100 were proved to have asked money for their votes in the case of Galway. There were thus more one-fourth of the electors of Galway who had asked—he did not know whether they had received—money for their votes; while in Dublin, out of 2,700 freemen, only fifteen were named as having been guilty of corrupt practices, and forty-four not named, or about 1-46th part of the whole. Yet the Judge did not, in the case of Galway, recommend any inquiry. Why? Was it because Liberal Members had been returned for Galway and the Petition was directed against a Conservative in the case of Dublin? Yet the hon. Member for Taunton (Mr. James) the other night preached them a sermon on the purity of election—and almost immediately gave his vote for the impurity of party. This cry about purity was really damaging to the House, and would not gain for it the respect of the country. He begged to second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Frederick W. Heygate.*)

MR. CHICHESTER FORTESCUE said, the hon. Baronet who moved the Amendment (Sir Frederick W. Heygate) had stated he would not go behind the Report of the learned Judge now under consideration, but he could hardly say he had adhered strictly to that course, for he had passed considerable criticism upon the conduct of the Judge on the occasion. But, however that might be, the course he professed to take was certainly not adopted by the hon. Member who seconded the Amendment (Mr. E. W. Verner). The hon. Member had in effect charged the learned Judge who tried this case with gross injustice and partiality; he had charged him in the face of the House of Commons with gross judicial corruption. Now, for him (Mr. Chichester Fortescue) to defend the conduct of Mr. Justice Keogh would be totally unnecessary; he would only say that he preferred the Report of the learned Judge to the line taken by the hon. Member (Sir Frederick Heygate) and also by the right hon. Gentleman (Mr. Henley). They had been told that the Government were reverting to the bad precedents of old times, and were re-introducing these angry discussions into the arena of the House of Commons; but they would be indeed guilty of that offence if they were to take it upon themselves to decide upon the merits of such a case when a learned Judge had pronounced upon one side with the authority which his character and position carried with it, and eminent Members of this House pronounced upon the other. Were they to take the decision of this question into their own hands? They proposed to do no such thing, but to refer the question at issue to the proper constitutional tribunal, and they therefore asked the House of Commons simply to appoint a Commission to inquire into the conduct of the Dublin freemen. It had been said that there had been a decision by the House of Lords that the Government were taking an illegal view of this question. Now, there was no judicial decision at all. The question was debated in the House of Lords, and a difference of opinion was expressed by high authorities. That difference had not shaken the opinion of the Government as to the justice and propriety of their interpretation of the Act. Nor did the House of Lords pronounce any judgment upon the merits of the case, or upon the question whether this was a proper subject for further investigation. What the majority there held was that this inquiry did not come technically within the terms of the Act now in force. Supposing that decision to be correct—and he did not admit it to be correct—this was nothing but a *casus omissus* in the present statute. Could it have been the intention of the statute that such a state of things as that recorded by Mr. Justice Keogh was not a proper subject for inquiry? They were told that the motives of the Government were of a party kind. But if they were to be accused of party motives because they asked for an inquiry into this matter in pursuance of the Report of a Judge, what was to be said of the motives of those who opposed any such inquiry? He denied that the Government and those who acted with them were actuated by party motives. They would have done the same whatever were the class of voters impugned, and he ventured to say that if right hon. Gentlemen opposite had been in the position of responsibility occupied by the Government they would have found it impossible to allow Judge Keogh's Report to pass without some action. The hon. Baronet (Sir Frederick Heygate) said that an inquiry ought to have been instituted into the whole subject of freemen everywhere. But it really mattered nothing to the Government what class of voters were impugned by the Judge's Report. The fact of their being freemen was a mere accident; if they had been lodgers or rated occupiers the result would have been the same; and the House had nothing to do with the question of the freeman franchise all over the kingdom. The question before the House simply was whether they would issue a Writ for the City of Dublin in defiance of the Report of Mr. Justice Keogh, or do their duty by instituting an inquiry into the conduct of one important portion of the constituency in pursuance of the Report. In the concluding sentence of his judgment the learned Judge said—

> "It has been proved to me by the most conclusive evidence, direct and circumstantial, that the Freemen of this City have been shown to a great extent to be corrupt voters, and I shall leave the House of Commons to deal with their case and with the constituency as affected by them."

This sentence in the judgment completely supported the Report. Were they not to deal with such a case; and if they were to deal with it, was it possible to deal with it in a more moderate or constitutional manner than that now proposed?

Dr. BALL said, this was not a Bill to remedy a defect in the law; it was an attempt at *ex post facto* legislation, and therefore he opposed it. The existing Act directed that an inquiry should be made if the Judge reported that bribery extensively prevailed in the constituency, but, in his opinion, it did not authorize inquiry if the Judge reported that bribery prevailed among a portion of the constituency. The House of Lords had come to the same conclusion, and the Government did not meet the defect in the Act of Parliament, but tried to reach individuals who acted without violating the existing Act. Objection had at all times been very properly raised to the practice of making laws to meet, not a general principle, but a particular case; and it was not fair in this instance to make a special law in order to deal with that which had escaped the grasp of the ordinary law. It was better far that the freemen of Dublin, even had they been trebly guilty, should escape, than that a great principle of legislation should be set aside in order to meet their particular case. What good would come of the Commission? When the Commission, of which he had been the Chairman, sat to inquire into the existence of corrupt practices at Galway, although the Report showed that bribery had been practised among the freemen of that borough, no such steps as those now proposed were taken, because it was felt that by so doing they would be practically setting aside the certificate of indemnity which had been given under the Act. No special Act had been passed in the case of Great Yarmouth, which was dealt with in the ordinary way under a Report of the House of Commons. The Report of the Judge did not reveal such an extraordinary amount of corruption existing among the whole constituency as would justify Parliament in taking unusual steps to punish it. Assuming, however, that legislative action were necessary, he had no objection to the Bill in itself, which he regarded as being fairly drawn. He had the utmost confidence in the three gentlemen whose names had been recommended by the right hon. Gentleman the Attorney General for insertion in the Bill.

Sir PATRICK O'BRIEN said, that if the 2,700 freemen of Dublin had been a constituency of ordinary voters, there was not a lawyer who would say the Commission should not issue. These freemen were a privileged class, and that of itself was a sufficient reason for disfranchising them. A single vote in that House did not matter to the Liberal party; and that fact took the question at issue out of the range of party politics. It had been suggested that it was sought to disfranchise the freemen of Dublin because three-fourths of them were opposed to the policy of the First Minister of the Crown, but he (Sir Patrick O'Brien) knew, from thirty years acquaintance with them, that, for a consideration, three-fourths of them would accept the policy of the right hon. Gentleman. It was notorious in Dublin that on an election—and he did not profess to be a patriot—the first question put was—How much money will the Tories give for the freemen? and if they gave £2 10*s.* a vote, it would take the Liberals £5 to buy them. He would not, however, vote for the disfranchisement of these men without first giving them an opportunity of showing, on this inquiry, that they were as pure as they had been represented to be.

MR. LOPES said, he approached this subject in no party spirit, but with the disposition to consider it on grounds of abstract justice and expediency. He made no imputations, but he could assure the hon. and learned Member for Taunton (Mr. Henry James) that the Opposition side of the House were quite as willing as the Ministerial supporters to put down bribery; and the late Government brought in and carried one of the most comprehensive measure for the suppression of bribery and corrupt practices that had ever been passed. The simple issue was, whether this was a case calling for special legislation. He had carefully read the able judgment of the learned Judge who tried the Petition; but it seemed to him that the finding of the learned Judge in one part was inconsistent with the finding in the other, and that the Report differed from the judgment. The Report went to the extent that the learned Judge had reason to believe that extensive bribery prevailed at the last election amongst the freemen of Dublin. It was worthy of observation that the statute provided two modes of finding for the Judge—one, that extensive bribery prevailed; the other, that he had reasonable cause to believe that bribery extensively prevailed: and as eleven persons only were actually found to have been bribed, the learned Judge had adopted the milder form of finding. It must be presumed they were freemen, though the learned Judge by no means reported that they were. Special legislation should only be resorted to in extreme cases, and he submitted that this was not a case of that description. The precedent of Great Yarmouth had been relied upon in support of this Bill; but it was, he thought, quite distinguishable from the present case. The Report relative to the freemen of Great Yarmouth alleged that "gross, systematic, and extensive bribery prevailed at the last and previous elections." There was another distinction between the two cases. No Act of Parliament had then been passed for the punishment of those who were found guilty of bribery. Now, however, a most cogent and stringent punishment existed for that offence. There were other reasons why the House should not legislate specially against the freemen of Dublin. The margin between the candidates on the poll was so narrow that there was only a difference of 105 between the candidates at the top and bottom of the poll, and it might be supposed that party spirit had prompted this special interference of the Legislature. Then, again, three-fourths of the freemen were Protestants, and was this a desirable time to pass a Bill disfranchising the Protestant freemen of Dublin? The only difference between the measures of the right hon. Baronet the Member for Morpeth (Sir George Grey) and that of the Attorney General for Ireland (Mr. Sullivan) was, that the former proposed sudden death to the freemen, and the latter a more protracted but equally certain death, supplemented by a decent interment.

MR. DENMAN said, the opposition of the last three speakers against the Bill seemed to rest on widely different grounds. The first charged the learned Judge with having given a corrupt decision, the second opposed it on the ground that it was *ex post facto* legislation, and the third told them it was only when corruption had been reported to exist in a large degree they ought to inquire into the subject. One special reason in his (Mr. Denman's) opinion for appointing a Commission was that some of the principal delinquents had managed to be out of the way during the inquiry into the Election Petition, but that that could not happen in the case of a Commission, which might be extended over any length of time. All that was now being done was exactly in the spirit of what had been done before in similar cases. In such matters legislation must of necessity be *ex post facto* to this extent—that finding a very great piece of corruption had been committed, Parliament set to work to try and prevent corrupt persons in the future destroying the purity of elections in places where such practices had existed. Considering what cogent facts had been reported, nothing could be fairer than the appointment of a Commission, especially as it was said that the allegation of bribery was a gross libel and injustice.

Mr. HENLEY said, he was glad that no hon. Member on the other side had attempted to carry the number of the persons corrupted in the Dublin constituency beyond a very limited amount. An Act of Parliament had been passed by means of which the dealing with corrupt practices was taken out of the hands of Parliament and placed in the hands of Judges. For some reason or other the learned Judge who tried this case did not bring himself within the four corners of the Act of Parliament, and it was, therefore, said that the House must try the case *de novo.* The Chief Secretary for Ireland asked the House to take a certain passage in the learned Judge's Report and act upon it; but high legal authority had declared that to make that statement was *extra vires* of the Judge, and that it was consequently no better than waste paper. If the House wished to legislate on the matter it ought to look on the evidence upon which the Report was founded, and in his opinion the evidence afforded very meagre ground for the conclusion to which the learned Judge came, and he thought it very unwise to bring these matters back again to the floor of the House of Commons. If they did so, they could not escape the suspicion of being actuated by motives other than the love of abstract purity of election; and the evil which would in that case result would be ten thousand times greater than any inconvenience which would be produced by permitting the conduct of these parties, who might be wrong, to pass without inquiry.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, he failed to understand the argument of the right hon. Member for Oxfordshire (Mr. Henley), because when a Motion was made for the issue of a Commission of Inquiry, the matter to some extent must be discussed in that House; and the right hon. Gentleman had himself brought back the question upon the floor of the House by saying that the evidence in the case of the Dublin Petition did not warrant the Report of the learned Judge. The right hon. Gentleman stated that no one had ventured to carry the number of the persons corrupted beyond a very limited amount. Now, it so happened that on a previous occasion he (Mr. Sullivan) had stated that it appeared by the Judge's Report that more than 280 of the freemen of Dublin were connected with corrupt practices. The right hon. and learned Member for the University of Dublin (Dr. Ball) spoke of the present proceedings as being *ex post facto* legislation; but that was not the case. It would be *ex post facto* legislation to constitute acts already done by individuals into bribery, though they had never before been deemed to be acts of bribery; but the object of the present Bill was simply to inquire into corrupt practices as defined by the Legislature, and his right hon. Friend the Secretary for Ireland had pointed out that by passing the Act of 1852, the House had not deprived itself of the jurisdiction of instituting an inquiry in such a case as the present. He hoped the House would pass the Bill, for if it were rejected the conclusion would be this—that the conduct of the freemen of Dublin—they being only a part of the constituency—could never be inquired into, and that they might, therefore, be as corrupt as they pleased. Before sitting down he must say he had heard with the deepest regret the statement of the hon. Member for Lisburn (Mr. E. Wingfield Verner), in effect accusing the learned Judge who conducted the inquiry of partiality He was sure the hon. Member for Lisburn would feel, in calmer moments, that he had not done a learned Judge anything like justice who had for the last fourteen years, by the manner in which he had discharged his judicial duties, commanded universal respect.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 246; Noes 126: Majority 120.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## PARLIAMENT—MORNING SITTINGS.

### OBSERVATIONS.

Mr. BENTINCK said, he rose to call attention, pursuant to notice, to the effect of the present arrangements for Morning Sittings upon the Business of the House. Previous to 1861, ample time had been afforded to private Members for the discussion of those questions which they desired to propose. In that year the House was induced by Lord Palmerston to give up the Thursdays to Government Business, in exchange for the Fridays, when subjects might be introduced by private Members on the Motion for going into Committee of Supply, instead of, as before, on the Motion of adjournment from Friday till Monday. That state of things continued, without any great inconvenience to independent Members, until the change which was adopted in the Session before last, at the suggestion of his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who, in proposing that the House should meet for Morning Sittings at two instead of at twelve o'clock, and should sit to seven and re-assemble at nine, instead of sitting till four and re-assembling at six, as in accordance with the previous practice, expressly stated that he had no wish to interfere with the rights of private Members, and that the Government would always undertake to make and to keep a House at nine o'clock. The practical result, however, of the alteration had been that while the Government gained one hour before dinner, during the cream of the day, the time at the disposal of private Members after dinner was shortened. The idea of his right hon. Friend, when the change was made was, that the House when it re-assembled at nine o'clock, and entered upon a discussion, might continue it until two o'clock the next morning; but, on the 8th of last month, when his hon. and learned Friend the Common Serjeant (Mr. T. Chambers) sought to press on his Bill respecting marriage with a deceased wife's sister at half-past twelve o'clock, the right hon. Gentleman the Secretary of State for the Home Department immediately objected to its being proceeded with at so late an hour; although on the previous day his Colleague the President of the Poor Law Board had contended, when his hon. Friend the Member for Westminster (Mr. W. H. Smith) protested against his urging forward his Poor Law Bill at a similar hour, that it was by no means too late to go on with the discussion. Now it was quite clear that any person who wished to oppose the progress of a Bill after twelve o'clock had the means of doing so most effectually at his disposal; and, as a matter of fact, private Members could calculate only on having at their command the three hours, from nine till twelve, on those days on which Morning Sittings were held. But there were, independently of that, two other extinguishers put on their privileges. One of these was the practice of "counting out." When the House re-assembled at nine o'clock, there might be a *bonâ fide* intention on the part of the Government to keep a House; but the good intention was completely frustrated by such Motions as that which had been made on Friday evening last, as soon as the Speaker took the Chair. But he must say that on a recent occasion—when a Motion respecting the Boulogne Harbour stood first on the Paper—he was given to understand that some Members of the Administration had not only connived at, but had actually assisted the efforts that were successfully made to empty the House for a count. It was the duty of the Government, he maintained, not merely to assist in making a "House," but also to set its face against "counts out." Another point to which he wished to call attention was the encroachment as to the period at which Morning Sittings were resorted to. Previous to 1862, they were rarely held before the month of July; and ever since then, with the exception of 1867, they had not commenced until the middle of June. 1867 was exceptional. Morning Sittings commenced that year on the 28th of May. In 1868, they commenced on the 15th of June; but this year they commenced on the 4th of May; and if, in future years this year's precedent were followed, the rights of independent Members would be almost entirely extinguished. They could not expect hon. Members, after sitting five hours, to come down again at nine o'clock for another long sitting, for the sake of the private Motions. The thing was impossible. Human nature could not stand it. He trusted the right hon. Gentleman the First Minister of the Crown would take this matter into consideration, and be prepared, next Session, to introduce a new system. He would content himself with having called attention to the matter, and would not move any Resolution on the subject.

MR. CRAWFORD said, that he regretted at the time—as he had done ever since—that the suggestion had not been adopted which he threw out two years ago, for preventing Motions to count until 10 or 15 minutes after the Speaker had taken the chair. Some such provision was absolutely necessary for the protection of the rights of independent Members. He considered it to be decidedly unfair, and an abuse of the Standing Order, that the moment the House had re-assembled the Motion for adjournment should be put; but the only way to prevent the practice was by giving 10 or 15 minutes' grace. He must say, in regard to Friday last, that it was generally understood that there would be no House. He did not say that he was told so by any Member of the Government; but the rumour to that effect was very widely diffused. He was not sure that the whole of the time at the Morning Sittings should be at the command of the Government; and it ought also to be remembered that many private Members who had their own affairs to attend to, were greatly inconvenienced by these regular sittings, which left them no alternative but to neglect their own interests or those of their constituents. Morning Sittings used to be resorted to only exceptionally, and for some special measure. They had now become a recognized procedure, and Members were incapable or unwilling to sit as a rule from two in the afternoon until three o'clock the following morning. If any Motion was made for preventing counts being attempted until 10 or 15 minutes after the Speaker was in the Chair he should gladly support it.

MR. KINNAIRD said, he thought Morning Sittings had become an absolute necessity; and much more business was done when the House sat from 2 to 7 than when it sat from 12 to 4. When there was any subject on the Paper of importance there was no difficulty in getting or keeping a House. When the Evening Sittings were protracted till three o'clock in the morning, it was not surprising that occasionally there should be a "count out" from sheer exhaustion; but "counts out" were no more frequent now than formerly. He hoped the grievance would be remedied, and that the Speaker would give his attention to the subject.

MR. PEEK said, he entirely agreed with the observations which had been made by the hon. Member for the City of London (Mr. Crawford). These Morning Sittings, recurring so frequently as they now did, were unquestionably productive of much inconvenience to private Members who had large businesses of their own as well as the public affairs to look after. He hoped some better arrangement would be come to.

MR. GLADSTONE said, he admitted that when the Government were under an implied or actual engagement to keep a House, it would be a virtual failure in their engagement if Members of the Government took any part in promoting a count out; but he certainly was not aware that any such case had occurred. With respect to last week he might say the case of private Members, as compared with the Government, was not a hard one—private Members having occupied fully three-fourths, and the Government only one-fourth of the time. With regard to Morning Sittings, he thought the suggestion of his hon. Friend the Member for London (Mr. Crawford) well deserving consideration; but he would not now presume to give an opinion upon it. The difficulty really lay in this—that with the growing demands of the business of the Empire the House of Commons, which attempted to do, and did more than any legislative assembly that ever sat since the days of Adam, wanted more hours in the day, more days in the week, more weeks in the month, and more months in the year, and until some such device could be adopted perfect satisfaction would not be given. According to the theory of the House there were five days for business, of which three were appropriated to independent Members and only two to the Government. Now, was that a fair division of the time of the House relatively to the respective responsibilities of the Government and independent Members? The Government were charged necessarily with the Votes in Supply, and he thought he put it moderately when he said that nine-tenths of the legislation of the House, looking to numbers and importance, passed through the hands of the Government. If that was so, there must be a discrepancy between the actual results and the time—only two days a week being allowed to the Government and three days to private Members. All who had held Office must admit that the Two o'clock Sittings had eminently contributed to the progress of public business. He was far from wishing that private Members should suffer unduly in consequence of that arrangement. There was a Morning Sitting on Tuesday; and it was rarely that the House broke up before two on the nights when they met at nine o'clock. Probably the Speaker and the Clerk at the table who assisted him were the chief sufferers by that system; but he did not think the time available for the Motions and Bills brought forward by private Members had undergone any very great reduction. When the time absorbed by the Government was spoken of, it should be remembered that the portion of the business of the country which the Government was expected and required to transact was increasing from year to year. Again, in the case of important measures brought forward by private Members, like the University Tests Bill, for example, the Government were called upon to facilitate their discussion; and in the case of others the Government had often to take them into its own hands when they had reached a certain state of ripeness. He did not disguise that to some extent, though he thought to a very limited extent, the time at the disposal of private Members was abridged; but then the only alternative open to them was a somewhat longer Session of Parliament. If hon. Gentlemen were willing that another fortnight should be added, on the average, to each Session, then, no doubt, the Two o'clock Sittings might be given up; and it would not be for the Government to resist such an arrangement. If, as he believed, they had no choice but between comparative inconveniences, he did hope that hon. Members would be disposed to abate something, not only of their personal convenience, but even of their personal convenience when it stood in some connection with public duty, for the sake of their common desire to do what was best on the whole to expedite the enormous mass of business which the House had to transact every Session, without utterly overtaxing the physical as well as the mental strength of its Members.

MR. W. H. GREGORY said, he thought that the practice of holding Morning Sittings at two o'clock and meeting again at nine might be confined to Tuesdays. Then private Members would be certain of having the Friday for the Questions and Motions which they desired to bring forward. He thought, also, that the Government should introduce the Estimates at an earlier period of the Session than is now done; and if before Easter, or immediately after that date, the House knew that they would have to meet for four hours or so in the morning to discuss the Estimates, he believed the result would be more satisfactory both to the Government and to independent Members. He hoped the First Minister of the Crown would consider that suggestion during the approaching Recess.

SIR HENRY SELWIN-IBBETSON said, that during the last Session of the last Parliament a measure of great importance, and one that was supported by large and constant majorities in that House (the Metropolitan Foreign Cattle Market Bill), happening to be down on the Paper for a Nine o'clock Sitting, was counted out by a Member of the present Government. He should look with some dread on the adoption of Morning Sittings even earlier in the Session than they had commenced this year; the system once begun would never be given up. While admitting that most measures of real importance ought to originate with the Government, he yet thought that private Members, who occasionally attempted to bring forward measures, ought to feel some certainty that they would have a fair chance of carrying them through successfully. He was inclined to support the suggestion of the hon Member for London (Mr. Crawford) in reference to "counting."

## EXCHEQUER AND AUDIT ACT OF 1866.

### OBSERVATIONS.

MR. HUNT said, he rose to call attention to the difficuties which had attended the carrying out the provisions of the Exchequer and Audit Act of 1866. He did so in consequence of some observations reflecting on the late Government which were made in his unavoidable absence by the hon. Member for Sunderland (Mr. Candlish). That hon. Member charged the late Government with gross negligence in the matter—an accusation which, he thought, he should be able in a very few moments to show was wholly unfounded. That Act was passed in 1866, before the change of Government, and the Government of Lord Russell was responsible for it. The name of the present First Minister was on the back of the Bill; but it was principally attended to by the present First Lord of the Admiralty. The Government who then had charge of the Bill had under-estimated the time it would require to bring the Act into working order. The present First Lord of the Admiralty—a man of great zeal and great energy, as well as of rather sanguine disposition, had rather hastily come to the conclusion that that Act could be brought into operation within the time limited by it—namely, April, 1867. When he (Mr. Hunt) first came into the Treasury he had hoped to take up that Act and carry it into effect within the time laid down. The difficulties of doing so, however, were so great that it was a very serious question whether a Bill should not be brought in to postpone the operation of the Act; but that proposal had been rejected, as it was thought that by adopting it they would be removing the stimulus to exertion among those appointed to carry the Act into effect. Before 1868 sums to be expended by different Departments were voted in a lump; and, in order to carry out the provisions of the Act, it was necessary that those sums should be separated and placed under the head of the respective Departments to which they were appropriated. Finding it was utterly impossible that the necessary investigation and arrangements could be completed within the stipulated period unless some extraordinary means were adopted, he had appointed a Commission for Public Accounts, under the control of Mr. Vine and Mr. Anderson, who was succeeded by Mr. Foster. The investigation proved very laborious, the accounts of Irish and Scotch Departments having to be examined, and it was only in consequence of extraordinary exertions that he was enabled to get the Estimates framed, so that the provisions of the Act could be complied with in the year 1868-9. When the Estimates for that year were brought forward they presented a very different appearance from those of previous years, a large number of the Votes having been separated aud re-classified under sub-heads in a new shape, and on a uniform principle. This was a necessary step, because it was desirable that the Estimates and the accounts should correspond. This, which entailed labour of no slight magnitude, was performed under his personal superintendence, although such superintendence did not come within his ordinary duties as Secretary to the Treasury, and although he had not the assistance of a Third Lord. Therefore, the task imposed upon him by that Act had entailed no ordinary addition to his duties. He had further to superintend the preparation of a new form of accounts, under which the new audit system was to be carried out. It had required considerable time to effect all these changes, and he quite admitted that the Act had not yet been fully complied with; but he believed that that was owing to no lack of exertion or of zeal, but to the labour entailed by the Act being greater than those who had originally drawn up its provisions had conceived. He thanked the House for having permitted him to make this statement, and the hon. Member for Brighton (Mr. Fawcett) for giving him the opportunity of making it. He had thought these few words necessary to justify the conduct of the late Government and of himself personally.

Mr. CANDLISH said, he found some difficulty in following the explanation which had been given by the right hon. Gentleman (Mr. Hunt), which would doubtless be more satisfactory to the official mind than it was to his. There was an interval of eight or nine months between the passing of the Act and the time when it was to become operative, and it seemed to him that that interval, if it had been properly used, was long enough to make all the necessary arrangements. It was far from his intention to do injustice to the right hon. Gentleman or to any other Member of the House; but he could not dismiss from his recollection the fact that, in the Civil Service Estimates of last year, out of a total of 168 Votes only twenty-two had been subjected to the operation of the Act of 1866. He should be glad if the effect of this discussion should be a more strict application of the Act. He did not cast any imputation upon the Audit Office, because they could not audit accounts that never were submitted to them. With the exception of the Board of Trade, the Office of Works, the

Woods and Forests, and one other, none of the Government Departments had submitted their accounts to the Audit Office—not even the Treasury—and the Treasury accounts were still unaudited. Although the work of the Audit Office was not done, the cost of the establishment to the public had not failed to increase. Either the Act should be abolished, and the whole thing voted a sham, or the office and its work should be made a reality. The accounts of the various Departments should be audited by an independent Audit Department, which should be under the direct control of Parliament, and not connected in any way with the Departments whose accounts it had to audit.

MR. AYRTON said, he feared that his hon. Friend (Mr. Candlish) was labouring under a misapprehension as to the position and duty of the Auditor General. His hon. Friend said that the Auditor General was nominated by the Crown, and could not, therefore, be independent in the performance of his duty, but must be the servant of the Treasury. True, the Auditor General was appointed by the Crown; but so were the Judges, and no one would assert that they were not independent. There could be no better evidence of the independence of the Auditor General than the language of his Reports, which were made for the purpose of being laid before the House; and in which he canvassed the proceedings of the Treasury and every other Department of the Government in the most independent manner, and with the consciousness of responsibility to that House and the country; and it was to those Reports that his hon. Friend was indebted for the strictures he had made on the audit of public accounts. No doubt the audit to which reference had been made took much more time than had been anticipated. The matter had been referred to a Select Committee, who had endeavoured, but in vain, to make their Report in time for the present discussion. It would, however, be before the House in a few days. He quite agreed with his hon. Friend that it was for the interest of the public that the provisions of the Act should be carried out to its fullest extent; but it was better, while there was a Committee of Accounts investigating the matter, to wait until the Report was presented. He should be quite prepared to enter into a full discussion of the subject when it was properly before the House.

MR. J. WHITE said, that there was this difference between the Judges and the Auditor General, that the former appointed their own officers, and were subject to no interference on the part of the Executive, while the Act gave the Treasury the power of appointing the officers and clerks of the Auditor General, and of fixing their salaries. The Treasury were also to prescribe the forms of the accounts to be adopted, and even had the power of dispensing with vouchers when they thought proper. The Accountant General could also appeal in certain cases to the Treasury against the Auditor General. He had always been of opinion that the Auditor-General would never be independent until he was appointed by the House, and made his Reports to a Standing Committee of hon. Members. The Auditor General was even dependent on the Treasury to be placed on the superannuation list.

## REGINA *v.* OVEREND, GURNEY & Co.

### OBSERVATIONS.

MR. FAWCETT, in rising to call attention to the grave evils which may result to the public from the possibility which had been shown to exist that the Law Officers of the Crown may be retained as Counsel for the Defendants in such a case as "Regina *v.* Gurney and others," said, there were one or two points connected with the subject which he regarded as of the greatest importance. It was not his intention to controvert the decision of the other night, which, he believed, was due mainly to the speech of the First Minister of the Crown, the effect of which must for ever dispel the impression that existed out-of-doors, that the votes of Members were not liable to be influenced by speeches delivered in the House. The Attorney General admitted on Thursday evening that in some public cases the Government ought to appear as a prosecutor, but he added that those cases were exceptional; and he went on to observe that whether the Government should appear as a prosecutor or not was a question which was in the main to be decided by two considerations. The Government must, the hon. and learned Gentleman contended, in the first place, pay regard to the importance of the case, and, secondly, to the probability or the improbability of obtaining a conviction. Now, with respect to the importance of the case, that was a point on which most men were competent to form an opinion; but as far as the probability or improbability of a conviction was concerned, that was a question which, as the Attorney General had most truly said, could not be determined by laymen, but by competent legal authorities such as the Law Officers of the Crown. That being so, what was the conclusion to be drawn from the doctrines which the hon. and learned Gentleman had laid down; it was that beyond all dispute the advice which the Government ought to be able to derive from the Law Officers of the Crown they might at any moment be deprived of by the circumstance that those Law Officers had been retained for the defence; indeed, that very thing had occurred in the present instance. The Government had been deprived of the able assistance of the Solicitor General, and it would seem to be owing to accident that they had not lost the services of the Attorney General as well; so that, in a matter vitally affecting the public interests, they might have been left without the advice of either of their two Law Officers. That was a danger which, in his opinion, something ought to be done to obviate. Nothing was further from his intention than to censure in the slightest degree the conduct in the matter of his hon. and learned Friend (the Solicitor General). He felt satisfied that he had done nothing more than that which had been done by other Solicitors General before him, and that he had acted entirely in consonance with the practice which now prevailed at the Bar. He alluded to his position with regard to the case of which he was speaking, simply because it afforded a pertinent illustration of our present system as it related to public prosecutions. As a layman, it would be presumptuous in him to say anything as to the wisdom and policy of appointing a public prosecutor; but it must, he thought, be evident that the danger which he had indicated, and the partial danger which had been incurred in the present instance, pointed to the necessity of having something done to prevent a recurrence of such a state of things as that by which public attention was now engaged. He was, he thought, expressing the opinion, not merely of that House, but almost of the whole nation, when he said that the public were most deeply anxious that the trial to which his observations referred should be fair and complete; and it would be a consummation not only unsatisfactory to the country, but discreditable to our system of jurisprudence, that the trial should fall through, a result of which there appeared to be imminent danger. The impression, he might add, seemed to prevail—and that impression had been fostered by some speeches which had been made from the Treasury Bench — that he and others who had taken an interest in the matter had done so on behalf of private shareholders. Now, that was an imputation which he begged altogether to repudiate. He had interested himself in the matter because he believed it to be of the utmost importance that public justice should be vindicated. He cared nothing about the shareholders. They could look after themselves; but he thought it of the greatest moment that persons who were accused of a grave offence, and in whose case a reasonable suspicion of guilt existed, should not be allowed to escape merely because of the inability or otherwise of a private individual to carry on the prosecution. In conclusion, he begged to say that he did not desire to move the Resolution on the subject which stood on the Paper in his name.

THE SOLICITOR GENERAL said, it was with some reluctance that he was about to break the silence which he had hitherto observed on the subject under the consideration of the House, because he thought it was, as a general rule, unwise that a lawyer should discuss in that House matters in which he happened to be professionally engaged. Since he had the honour of a seat in Parliament he had never done so, and he should not have risen to say a single word that evening but for the persistent conduct with regard to the case in question, which, from some motive or another which he was unable to divine, the hon. Member for Brighton (Mr. Fawcett) had pursued. His hon. Friend must excuse him for telling him in plain, but he hoped not offensive, language, that it would be just as well that he should, before he interfered in matters of the kind, make himself acquainted with the facts of the case and the first elements of the subject with which he was dealing; because it seemed to him that the hon. Gentleman, for want of that knowledge, had wasted the time of the House, and imposed on some of its Members a good deal of unnecessary trouble. It was one of the first rules of the profession to which he had the honour to belong, which, although like other rules—like those of the House of Commons, for instance—they might not be at first sight intelligible to those who did not happen to live under them, yet were in reality the expression of common sense and good feeling and honour, and were necessary to regulate those singularly complicated and delicate relations which existed between the advocate and the client—it was one of the first rules of that profession that a man, whether guilty or innocent, whether the victim of cruel and unjust prejudice or not, had an absolute and indefeasible right to retain the services of the advocate whom he might think qualified to represent him, and to see that, whatever his merits or demerits, justice was done him in the Law Courts of the country. It was because the Bar had not the right to make selections and to form their own opinions on cases that the profession he belonged to was the profession of a gentleman, and one which a man of honour could practise. If the Bar were to identify themselves with their clients and to exercise their own selection and judgment in respect to the cases submitted to them, they would be open to the base and hateful charge of selling their convictions and opinions, which no person with a knowledge of the facts could venture to impute to them now. He confessed that he was speaking with some warmth; but he trusted that the House would excuse him, because the hon. Gentleman had forgotten, or was unaware of one of the plainest and simplest rules which guided the profession he belonged to. In respect to the particular case now before the House, if, after the years they had acted together, the hon. Gentleman had done him the honour to communicate with him, or if he had taken the pains to understand the plainest elements of the case, he would have found that nothing had been done in this matter which was not consistent with common sense, and with the strictest rules of etiquette and honour.

MR. FAWCETT said, he wished to be allowed to say one word.

MR. SPEAKER said, that the hon. Member had no right to interrupt unless with the permission of the Solicitor General.

THE SOLICITOR GENERAL said, that in September, 1866, he was engaged, as any counsel might have been, to defend Messrs. Gurney, two years and two months before he accepted the office of Solicitor General, and Sir John Karslake was also retained some ten days later, five or six weeks before becoming Solicitor General in the late Administration. They were both engaged by general retainers to defend the Messrs. Gurney in any proceedings in which the Messrs. Gurney might be engaged. A general retainer simply gave the person who delivered it the right to the refusal of the services of the barrister to whom it was delivered, and it gave the barrister no right to force his services on the person retaining him. Some time afterwards, when the Messrs. Gurney got into peril and the matter came before a legal tribunal, the ordinary retainer to defend them was delivered to him. Everyone who delivered an ordinary retainer to a Queen's Counsel knew that he delivered it subject to the right of the Crown to require the Queen's Counsel to appear for the Crown in the particular matter. When, therefore, the ordinary retainer was delivered to him he took the proper precaution that the Government should be consulted, and he held the license of the Queen, under the sign manual, to defend the Messrs. Gurney in the present case. The right of refusal had many times been exercised. On one occasion his learned friend, Mr. Giffard, was retained to defend a man who, in a case before Lord Penzance, was clearly proved to have been guilty of forging a will; but the Crown thought Mr. Giffard's services were of great importance, and refused them to that man, telling him that there were plenty of other Queen's Counsel whom he could employ to defend him at the Old Bailey. Very recently the Attorney General and himself thought it their duty to withhold from a gentleman who wished for the services of the hon. and learned Member for Richmond (Sir Roundell Palmer), permission to have them, and for the plain reason that it was a matter in which the Crown was concerned, and the hon. and learned Member, as formerly Law Officer of the Crown, had cognizance of the case. So, too, in the case of Miss Shedden, in the House of Lords, the Attorney General having been formerly her counsel, and knowing her affairs, yet, as by statute he was necessarily a party against her in her appeal, had abstained, as every honourable man in his position would, from appearing in the case at all, though it was conducted in his name, and had left it to be practically conducted by the hon. and learned Member for King's Lynn. These were matters which everyone perfectly understood, and he could not comprehend what the hon. Member for Brighton (Mr. Fawcett) would have. Did he mean to say that a barrister ought to refrain from giving his services to a private individual, because he might at some future time, by some personal or political accident, happen to be a Law Officer of the Crown? Or did the hon. Member suppose that the barrister would, on being appointed a Law Officer, immediately go over to the Government with all the information he had acquired in the sacred character of counsel to a private individual? Or did the hon. Gentleman mean to say those barristers only should be selected as Law Officers of the Crown whom no persons would engage in any important case, and that the confidence of the Crown was to be extended only to those whom nobody else would extend confidence to? This question had nothing to do with that of a public prosecutor; and he might say that whenever a public prosecutor should be appointed, it would not be the Attorney General or the Solicitor General who would fill the Office, for they had too much to do already. He repeated that he did not know what motives induced the hon. Member to persist in the course he had pursued, and he would not stop to inquire into them. There were some persons who found a vulgar pleasure in carping at a great profession to which they did not belong, and which they did not understand, but which had in its day done great things for the liberties of Englishmen, and which contained within itself men as pure, as high-principled, and as honourable, as any who carped at and detracted from it. He did not know whether the hon. Gentleman wished to teach him his duty, but he would say that he did not desire to be taught by him, and when he did desire it he would let him know and would attend his lectures. In the meantime, he hoped the hon. Gentleman would make himself acquainted with the elements of the subject he ventured to discuss. He did not know whether he intended to cast a censure on the general conduct of the profession. If he did it was because he did not understand it. If, on the other hand, the hon. Gentleman brought forward this matter in order to concentrate public attention on a trial which was almost imminent, and which involved the fortunes and characters of many individuals, he was acting most unjustly and most cruelly. Outside the House he (the Solicitor General) was the paid advocate of the Messrs. Gurney, and, therefore, inside the House he would not say one single word which might convey his opinion about the case; but this he would say, that whatever their merits might be—whether guilty or innocent of the matter now specifically laid to their charge—it would be well for the hon. Gentleman — it would be well for himself, it would be well for most of us—if our lives could show instances of such noble and magnanimous disinterestedness and self-sacrifice as these defendants had displayed.

Mr. FAWCETT begged to be allowed to explain. He had been most careful not to say a single syllable of censure against the Solicitor General. He said he had simply done what every Solicitor General had done before him, and what he was bound to do by the rules of his profession. He never said a word against the legal profession, for which he had been himself preparing, and for which he had every sympathy. He had called attention to the matter, not to show what his opinion was with reference to the conduct of any person, but with the simple view of exposing what he considered a defect in our system of jurisprudence.

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

## SUPPLY—CIVIL SERVICE ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) £40,000, to complete the sum for Public Offices Site.

Mr. BOWRING said, he entirely agreed with what had been said the other evening by the hon. Member for

Chippenham (Mr. Goldney) on this subject. When property was to be acquired by the Government, it was most desirable that its acquisition should be made at once, not piecemeal. In the present instance the original estimate had been £104,000; and the revised estimate now reached £147,000.

MR. AYRTON explained that there was an error in the revised estimate. It should be £129,999.

MR. GOLDNEY said, he had put a Notice on the Paper to urge that this Vote should not be proceeded with until the Committee had a little more information in regard to it. A large question was involved which had been before the House for some years. About twelve years ago it was proposed to rebuild the Foreign Office on account of its dilapidated state. A long discussion ensued, and a great many plans were brought forward. A portion of the land on the other side of Parliament Street was purchased, including part of Fludyer Street and Gardiner's Lane. In 1857, a scheme, almost identical with that of last year, was brought forward. That scheme, of which the expense approached £11,000,000 or £12,000,000, for purchasing the whole property from the Horse Guards to Great George Street, and covering it with public offices, was wholly rejected. The plan was so extravagant—it reached to the Thames and comprised a flower garden. In 1865, the late First Commissioner brought forward another Bill for the extension of the purchase of land from Gardiner's Lane, stating that there was no intention of running into the great scheme of eight years before. The whole expense was then limited to £30,000. In 1866, a short Bill was brought in at the end of the Session by the present First Lord of the Admiralty, then Secretary to the Treasury, for a small acquisition of land. He asked for £20,000, and the estimate for the completion of the purchase was £12,000. In 1866 there was another estimate for £84,000, but no plan was laid on the table. In 1867, the sum which appeared in the Estimates was £104,000. But in the interim a new plan had been discovered by accident, and the great scheme of ten or twelve years ago was to be promoted again. Notices were given and plans deposited in the Private Bill Office for purchasing the whole property right down to Great George Street. This scheme, as he had stated, would involve the expenditure of from £11,000,000 to £12,000,000. Persons holding very high positions in the existing Government had gone fully into the question, and said it would be a most unwise thing for any Committee to sanction such a scheme without a full statement of what the expenditure contemplated would be, and until plans were laid on the Table. Unless the House looked carefully at what they were about to do, they would find themselves committed by that Vote and by the measure introduced by the Government to an expenditure equal to what had been incurred for the Abyssinian War. They ought to pause before agreeing to a Vote like that, in the total absence of any plans or estimates. Public Business did not require palaces for its transaction; all that was wanted was good public offices. It might be a fine thing to remove St. Margaret's Church because it obstructed the view, but the question was whether the outlay was prudent and desirable. They had the ground requisite for building the Colonial Office and the Home Office, and he denied the necessity of going further with that scheme before those two new public offices were touched. Parliament had not yet assented to that enormous expenditure, and now was the time for them to make a stand on the matter. The Foreign Office and the Indian Office had taken ten or twelve years to complete. There was an equal time before them to complete the Home and Colonial Offices, and until that was done he hoped the Government would not proceed with that Vote, especially as the Committee had no plans and estimates before them, and were, therefore, entirely in the dark.

MR. LAYARD said, the hon. Gentleman had mixed up two things that were entirely distinct. The present Vote was asked to purchase the site for completing the quadrangle, one-half of which only had been erected, that half containing the Foreign and the India Offices. The Act on the subject was passed, in 1865, and unless the property was purchased this year, the notices which had been served would lapse. Last year Parliament voted £10,000 for the foundations of those two buildings. Those foundations were now laid, and the next Vote to the one now under discussion was a further sum to erect those buildings. Therefore, the Vote now asked for was merely to complete the purchase of the site required for those buildings which had been authorized by Act of Parliament. Beyond that there was a scheme for purchasing additional land, with respect to which he had introduced a Bill that had been read the second time, and which would to-morrow be considered in Committee upstairs. When that Bill came from the Select Committee it would be brought before the House, and the House would then have a full opportunity of discussing it on its merits, and he would be prepared to state what land the Government proposed to take. He wholly denied, however, that either he or the noble Lord who preceded him in his office (Lord John Manners) ever contemplated an expenditure like that incurred in the Abyssinian War. He thought, indeed, that the expenditure upon the new Foreign Office had been of a lavish and scandalous character; but the estimates for the new Home and Colonial Offices had been subjected to the strictest examination, and he trusted that in regard to the erection of those two buildings there would be no such just ground of complaint.

Mr. GOLDNEY said, he must express himself still dissatisfied. The House ought to be furnished with a plan and an estimate.

Mr. SCLATER-BOOTH said, he thought that if the foundations of the Home Office and Colonial Office had already been laid, the future line of King Street must now be determined. He should wish to know whether it was proposed to remove the whole of the block of buildings between King Street and Parliament Street?

Mr. LAYARD said, it was only contemplated to remove a portion of that block at present. Parliament had always contemplated the eventual removal of the King Street block.

Lord JOHN MANNERS said, he wished to know how far the present Government intended to adopt the scheme of the Treasury Commission appointed in 1866-7, by which an expenditure of £3,300,000 was contemplated. By that scheme it was proposed to put a stop to the ever-increasing demands for hired offices, where the business of the country was conducted under the greatest inconveniences. The Commission was originally appointed in 1866 by the Government of Lord Russell, and it continued its labours under that of Lord Derby. In 1868, it made its Report to the Treasury, and in accordance with the recommendations in that Report notice was given of the intention of the Government to purchase the block between King Street and Parliament Street, and the announcement of that intention on the part of the Government had been received with satisfaction by both sides of the House. The matter was then left in an advanced stage in the hands of their successors in Office, but up to the present moment he had been unable to ascertain what was the intention of the present Government with respect to the purchase of the King Street block. He regretted that the right hon. Gentleman (Mr. Layard) was unable, owing to the late hour, to enter fully into this subject when he moved the second reading of the Public Offices Bill. However, from a map which he had been shown by the right hon. Gentleman, he found that the Government proposed to take only half the property which it had been the intention of the late Government to acquire; but whether that was a permanent or only a temporary arrangement he had been unable to ascertain. The object that the Commission had in view was the continuity of the works, and to avoid anything like a hand-to-hand and bit-by-bit purchase of land for the erection of public buildings. The purpose for which this particular Vote was asked had been sanctioned over and over again by Parliament and by Committees of that House, and he hoped it would now be voted without a division.

Mr. DILLWYN said, he wished to know what it was the Committee were voting? He admitted the necessity for the proposed new building; but was it necessary that £48,000 should be expended in clearing the space in front of the buildings?

Mr. Alderman LUSK said, the sum asked for the purchase of this property appeared to have grown from £30,000 to £147,000.

Mr. LAYARD said, that the Committee were now asked to vote a sum to complete the buildings that had been already partly erected. In order to finish these buildings it was necessary that a portion of the King Street block should be purchased.

Mr. GOLDNEY said, that Sir Charles Wood had stated that the House had formerly rejected the scheme of Lord

Llanover to purchase all the buildings between Downing Street and Great George Street, and that the Government were merely seeking to purchase only the amount of property absolutely necessary for the erection of the buildings. The cost of the site, it was added, would be only £30,000, and what he had now to complain of was that the estimate had increased from £30,000 to £147,000. Before the Committee granted money in that reckless way, they ought, he contended, to have some plan before them to show what was actually going to be done.

MR. AYRTON said, he was not in the slightest degree surprised to hear the remarks of the hon. Member for Chippenham (Mr. Goldney); because, when he (Mr. Ayrton) sat below the Gangway, no one had commented more freely than he had done on the conduct of successive Governments in obtaining Votes of money from that House. He hoped, however, that such schedules as that which he had caused to be attached to the present Vote would place the House in possession of the actual state of affairs, and that thus a repetition of what he had frequently witnessed during the progress of Committees of Supply would be avoided. The Committee had, no doubt, in the present instance, been led to sanction a very large expenditure, without being conscious on several occasions of what it was doing. Not only, he might add, had an Act been passed for the acquisition of the property in question, but Votes of money had been taken in previous Committees of Supply for the purpose. The gross amount of Votes and re-Votes, up to March, 1868, was £167,000. That money had not been expended, because the compensation to be paid to the owners of different plots of ground had not been ascertained; but the property had been accurately described by his right hon. Friend the First Commissioner of Works as being required to complete the surroundings of the new buildings. It might be very fairly said that there was a great want of foresight on the part of the Government of the day in giving an undertaking that the land required for the completion of the buildings would only cost £30,000; but whatever might have been the blunders of the past, we had come to the point that those buildings must be erected, and, being erected at a proper elevation must have a sufficient space around them for the purposes of light and air. He would only say, further, that, in agreeing to the present Vote, the Committee would in no degree be pledging itself to the Bill now before the House for the further extension of the design.

MR. SCLATER-BOOTH said, he would leave the right hon. Gentleman the Member for Hampshire (Mr. W. F. Cowper) to settle with the hon. Gentleman who had just spoken as to the gross blunder which he seemed to think had been committed in fixing upon the estimate of £30,000. The hon. Gentleman was, however, he thought, wrong in saying that the House would not be committed to the plan of the late Government. In passing the present Vote the Committee would be pledging itself to the project of carrying on King Street in a new line, for the foundations of the new Home Office were to be laid in the middle of that street.

MR. W. F. COWPER said, he thought the Secretary to the Treasury (Mr. Ayrton) could scarcely have taken the trouble to make himself acquainted with the facts of the case when he referred to the estimate of £30,000 as being attributable to a gross blunder. It was capable of a very different explanation. The £129,000 embraced two different Votes for land in four streets, the first being only for a sum of £30,000 for land in Charles Street and Gardiner's Lane. An estimate for building, based on a proper contract, ought never to be exceeded, but the cost of the purchase of land depended on the verdict of juries. It might have been convenient if all the money had been voted in one year, but the amount to be so appropriated in each year was limited. It was clear from experience that to buy land rapidly was to buy it expensively. Time was required for negotiation. When the Downing Street site was bought it was at first contemplated that King Street should remain, but this arrangement would have spoilt the plan, and given an inadequate frontage to Parliament Street; and the right thing to do was to bring the front of the new Foreign Office into continuation with the line of the new Treasury building. Trafalgar Square and Parliament Street ought to be united by a broad and wide street worthy of the capital of this great Empire. He understood that the freeholds of the houses required in King Street were bought, and that the leaseholds only remain.

Mr. MONK said, he wished to know if the whole of the foundations had been laid. If so, it appeared that the Vote was not required for the site of the Government Offices, but to clear the lands around them. He should like to know what was proposed to be done with the present Home Office and the Board of Trade.

Mr. LAYARD said, that part of this sum—namely, £13,000, was a re-vote of a sum granted last Session, but which had not been expended. The sum was for the block of buildings in Parliament Street, between Whitehall, King Street, and Charles Street, and the demolition of which had already been authorized by Parliament. The amount really required for the purchase of the remainder of the site was not £48,000, but only £35,000. The money was wanted to buy a few houses in Charles Street, and the block ended by Upper Charles Street, so that the view of the new Offices might not be shut out.

Mr. CANDLISH said, he objected to this bit-by-bit purchase of land for public offices, and thought that the Vote should be postponed until the House could see the Bill. It seemed probable that they would be asked to purchase the houses on the western side of Parliament Street, in order that it might not be a screen to the nobler and handsomer building behind.

Mr. BENTINCK said, this was a re-enactment of a comedy that had been performed there on many former occasions. Whenever there was a new Ministry there was a new policy with regard to public buildings. He wished to know to what extent the Government were pledged. During the last Ministry an architect was appointed to prepare a design for a public building, and a great scheme was shadowed out. But that scheme fell to the ground, and he did not think that further money should be granted till a distinct policy was arrived at with regard to the public buildings. Dover House had lately been acquired by the Government, and it was desirable it should be known whether it was intended to incorporate Dover House with the Treasury buildings.

Mr. MILLER said, he wished to know what would be the cost of the alteration of King Street? He believed that it would amount to a large sum, as the whole of the buildings between King Street and Parliament Street were, as he understood, to be swept away. It occurred to him that keeping the new buildings a little further back, so as not to intrude upon King Street at all, would have saved a very large sum of money.

Mr. WHITWELL said, he thought the House was entitled to know what the expenditure on the surroundings would amount to.

Mr. LAYARD said, there was no question before the Committee as to the purchase of Dover House, nor of any land or buildings beyond the block of houses in King Street which he had described. The late Government were prepared to recommend the purchase of the whole site between George Street, Delahay Street, and the Park. There was a plan of the late Government as to the space between George Street and Delahay Street. But by passing this Vote the Committee would pledge itself to nothing but the completion of that for which money had already been voted. It would be impossible to finish the Home and Colonial Offices without removing the block of buildings between Parliament Street and Upper Charles Street. He was not responsible for this purchase; he found the scheme in progress, and the foundations of the buildings already laid.

Mr. GOLDNEY said, he would venture to say that no one understood what they were voting the money for, nor could they do so unless a distinct plan were laid before them.

Mr. M'LAREN said, he wished to know whether, as an encroachment had been made on King Street by bringing forward the new buildings, it was intended that there should be a new King Street, and what would be the cost?

Mr. LAYARD said, he thought he had already answered that question. The remainder of King Street would remain as at present. The late Government had appointed a Commission which recommended that the remainder of King Street and the block of buildings betwen that street and Parliament Street should be purchased, and a Bill for carrying out this part of the scheme was now before a Committee. The estimates for that purchase were contained in the Commissioners' Report. The purchase of the whole property between Parliament Street and the Park was estimated at £1,200,000, but there was no intention on the part of the present Government to recommend the House to go to that expense.

Lord JOHN MANNERS said, he had a firm conviction, if the policy of the present Government as he understood it was carried out, in a very few years the country would have to pay a far greater sum than if the proposal of the Commission were adopted. Had the right hon. Gentleman been proposing a new Vote he, no doubt, would have been prepared with a plan, but it was clearly unnecessary to produce plans for a scheme already sanctioned by Parliament.

Mr. W. F. COWPER said, the plan in question had been laid before Committees of the House of Commons in 1865 and 1866.

Vote *agreed to.*

(2.) £22,000, to complete the sum for New Home and Colonial Offices.

(3.) £20,000, to complete the sum for Public Record Repository.

(4.) £2,435, to complete the sum for Chapter House, Westminster.

Mr. DILLWYN said, he wished to know how it was that the Dean and Chapter of Westminster, who formed a very wealthy body, were not left to repair and decorate their own Chapter House?

Mr. BERESFORD HOPE said, perhaps the hon. Member would be satisfied when he was informed that for 600 years the Dean and Chapter had had nothing whatever to do with the Chapter House, and Parliament everything. For about 300 years the Chapter House had been the House of Commons, and when 300 years ago St. Stephen's Chapel had been converted into a House of Commons the Chapter House was not returned to the Dean and Chapter, but was used as a Record office. The result was that one of the finest buildings in the country had been brought to a state of ruin. A few years ago the nation undertook to restore it, and year after year Parliament had cheerfully voted the money, and now the building was nearly completed. He wished to ask the right hon. Gentleman the reason of the vote being decreased by £2,000. He hoped there was no attempt at cheese-paring or scamping the work.

Mr. LAYARD said, that he was under the impression that the decrease arose from the fact that the painted windows had not been executed.

Mr. Alderman LUSK said, he doubted whether the work could be called a "restoration," for he did not think the building had ever been like what it was now.

Mr. CANDLISH said, he wished to know whether this Vote would complete the work?

Mr. LAYARD said, he expected that it would do so, with the exception of the painted windows, which was a matter for future consideration. The sum of £25,000 had been granted for the restoration, and the present Vote exhausted that sum.

Vote *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £5,264, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Expenses connected with the Probate Court and Registries."

Mr. MONK asked on what grounds increased accommodation was required by the Registrar Office?

Mr. LAYARD replied that he had no personal knowledge of the matter, and that, therefore, the question had better be put to the Secretary for the Home Office on the bringing up of the Report.

Mr. MONK said, as no reply was vouchsafed to the question that had been put he should move the reduction of the Vote by the sum of £238, the additional sum asked for cleaning.

Motion made, and Question proposed,

"That a sum, not exceeding £5,026, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Expenses connected with the Probate Court and Registries."—(*Mr. Monk.*)

Mr. W. F. COWPER said, that as the Offices of the Registrar would shortly have to be moved to the new Courts of Justice, he should move that the Vote be reduced by the sum asked for providing additional accommodation for that Office.

Mr. MONK said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. W. F. COWPER moved that the Vote be reduced by the sum of £1,500.

He did so, he said, because he thought it would be unwise to grant money for the erection of a building to contain certain documents before it was decided whether that building would be devoted to such a purpose or not.

Motion made, and Question proposed,

"That a sum, not exceeding £3,764, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Expenses connected with the Probate Court and Registries."—(*Mr. William Cowper.*)

Mr. AYRTON said, he should admit the force of the right hon. Gentleman's remarks as applied to an original outlay under circumstances like the present; but that which the Committee were now invited to do was simply to vote £1,500 for the purpose of completing a work on which £16,500 had already been expended.

Mr. GOLDNEY pointed out that the original estimate was only £11,000, whereas £16,500 had been laid out on the building. The question was whether it would not be the wisest course to pursue not to go further in such an expenditure under all the circumstances of the case?

Mr LOCKE said, he was of opinion that as the building was nearly completed, it ought to be finished. If it were not used for this purpose it might be for some other.

Mr. SCLATER-BOOTH said, that the £1,500 were not required to complete the building, but to make an addition to that already completed—an addition which might never be required.

Mr. AYRTON said, the Vote was really for additions to the principal Registry.

Mr. BERESFORD HOPE said, he thought the money already expended would have been thrown away if the further trifling sum of £1,500 were refused for the completion of the building and the rendering it thoroughly useful.

Mr. Alderman LUSK thought it would be better to complete the building.

Mr. LAYARD said, the Estimate was not his. He found it prepared by the noble Lord opposite (Lord John Manners), when he came into Office.

Mr. GOLDNEY said, it was necessary some plan should be adopted to stop these increased expenditures over estimates.

Question put.

The Committee *divided:*—Ayes 66; Noes 137: Majority 71.

Original Question put, and *agreed to.*

(6.) £19,048, to complete the sum for Sheriff Court Houses, Scotland.

(7.) £46,000, to complete the sum for National Gallery Enlargement.

(8.) £20,000, to complete the sum for University of London (Buildings).

(9.) £13,000, to complete the sum for Glasgow University.

(10.) £7,000, to complete the Industrial Museum, Edinburgh.

Mr. LOCKE KING said, he thought the City of Edinburgh should provide for its own museums. In the absence of any statement or explanation he thought that the sum should not be granted.

The CHANCELLOR of the EXCHEQUER said, that the late Government made an agreement with the Town Council of Edinburgh that if they would widen a street in the neighbourhood of the museum the Government would propose a Vote for increasing it to a certain extent. The Town Council complied with the condition, and the present Vote was, therefore, a matter of good faith.

Mr. CANDLISH said, that if a Government entered into engagements of this kind they took away the option from the House of Commons, which had not been consulted in the matter.

The CHANCELLOR of the EXCHEQUER said, that the agreement bound the Government to submit the Vote to the House, and to support it. If one Government did not accept the bargains made by another, within certain limits, people and public bodies would refuse to deal with any Government.

Mr. MONK said, the money was not for the Museum, but for widening a street.

Mr. W. H. GREGORY said, he thought that when so much public money was spent upon London, they ought not to be too chary in respect to giving money to be expended in the capitals of Edinburgh and Dublin.

Mr. MILLER said, that the money asked for was not for widening the street, but for the Industrial Museum attached to the College. The Town

Council agreed with the late Government to spend some £50,000 in widening the street.

LORD JOHN MANNERS said, that when the late Government came into Office the negotiations on this subject were going on, and it was found impossible to enlarge the Museum, unless the miserable street in question was altered.

COLONEL SYKES said, that the Vote was for the extension of the Industrial Museum, and as they had been liberal in granting money for the British Museum and for the Kensington Museum, they could not refuse some aid to the capital of Scotland.

Vote *agreed to.*

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £54,834, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for erecting a new Building on the site of the wings of Burlington House and for New Buildings for the occupation of various Learned Bodies."

MR. GOLDNEY asked what amount they were going to spend upon these buildings. It was originally agreed to give accommodation to three learned societies at Burlington House, and the accommodation ought either to be extended to other learned societies or the amount should be reduced. He moved to reduce the Vote by £18,000.

Motion made, and Question proposed,

"That a sum, not exceeding £36,834, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for erecting a new Building on the site of the wings of Burlington House and for New Buildings for the occupation of various Learned Bodies."—(*Mr. Goldney.*)

MR. LAYARD said, accommodation had been provided in Burlington House for six learned societies. The question had already been discussed, and the House had decided that these buildings should be erected, and they were now being erected.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. GOLDNEY proposed to reduce the Vote by £6,194, the sum that had been incurred in the purchase of certain chambers in the Albany, the light of which had been interfered with by the new buildings.

MR. LAYARD said, that the difficulty was one that could not well have been foreseen by the architect, and had only arisen after the commencement of the building. The claim was so doubtful that it had to be decided by a court of law.

LORD JOHN MANNERS said, though the chambers had been purchased they would be either re-sold or re-let, and the ultimate loss would be a very small one.

Motion made, and Question put,

"That a sum, not exceeding £48,640, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for erecting a new Building on the site of the wings of Burlington House and for New Buildings for the occupation of various Learned Bodies."—(*Mr. Goldney.*)

The Committee *divided:* — Ayes 79; Noes 118: Majority 39.

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow,* at Two of the clock;

Committee to sit again upon *Wednesday.*

## ELECTRIC TELEGRAPHS.—COMMITTEE.

*Considered* in Committee.

(In the Committee.)

THE MARQUESS OF HARTINGTON said, in making the statement he should have to submit to the Committee, and in moving the Resolutions with which it would be his duty to conclude, he should avoid as much as possible everything of a controverted or disputed nature. There would be ample opportunity, if Members were so disposed, to renew the discussion of last Session on the second reading of the Bill. If any hon. Members still thought that the policy which dictated the measure of last year was unwise—if they thought that the arrangement then entered into was an extravagant one—it would be quite competent for them to move the rejection of the Bill on the second reading; and he did not think it incumbent on him at this stage of the proceeding to enter into any argument for or against the measure of last year. He therefore proposed to take up the subject where it was left by the passing of the Act of last year, and inform the House as briefly, but at the same time as clearly as he could, what had occurred since, and what yet remained to be done to accomplish the transfer of the telegraphs to Government. The effect of the Act of last year was to confirm certain agreements which had been entered into between the Postmaster General and the various telegraph and railway companies interested in the telegraph business throughout the country. Those agreements gave power to the Government to purchase these undertakings, subject to the necessity of introducing a Bill to Parliament this Session to provide the necessary funds. The principal provision of the agreements thus entered into was that a sum amounting to twenty years' purchase of the net profits of the companies up to the 30th of June of last year should be the price paid to the proprietors of these undertakings. There were in several instances other minor provisions by which, in the case of companies that had entered upon new trades or that had not yet commenced those trades, something should be allowed for prospective profits. But the main provision of all those agreements was that of twenty years' purchase of the profits. An engagement was entered into with the House and with the Select Committee which investigated the subject last year, that every possible means should be taken to ascertain that those net profits which were to form the basis of the bargain should actually be the profits they professed to be, and that the plant and other property to be handed over to the Government should be in a proper state of working order and repair. As soon as possible, steps were taken to fulfil that engagement. A Committee was appointed to investigate the accounts of the various companies; the Receiver and Accountant General of the Post Office was the head of that Committee, and he was assisted by gentlemen selected from the Office not only for their general ability, but specially for their knowledge of accounts. It was impossible that one Committee of the same persons should investigate all the accounts; but most elaborate instructions were drawn up for their guidance. Care was taken that they should proceed on a uniform principle, and that the knowledge they acquired by the examination of the accounts of one company should be available in the examination of the accounts of another. The most experienced engineers whose services could be obtained were employed to examine the state of the various wires, cables, instruments, and plant belonging to the various companies; and, between the Committee which examined the accounts and the engineers who examined the plant, he believed that a fair opportunity was offered and taken advantage of to ascertain that sufficient allowance had been made in the accounts of the companies for depreciation, and that the stock which was about to be taken over was in fair working order. He would inform the Committee what were the amounts claimed by the telegraph companies under the Act, and what were the amounts to be actually paid to them. The whole amount that was claimed by the companies was £7,036,037. The amount that was to be paid to the companies was £5,715,047, showing an abatement of the claims made by the companies of £1,320,990. He should be prepared, if the Committee wished it, to state the exact sums to be paid to each company; but as they would be stated in the Schedule to the Bill he would now content himself with reciting the total. The examination made of the accounts of the companies showed that the trade the Government were about to purchase was a very steadily and rapidly increasing trade. The trade of the various companies was of course growing at different rates; but the examination of the whole showed that it was a steadily increasing trade. Great fault, he believed, had been found with the number of years' purchase that the Bill of last year awarded to those companies. He was not going to enter into any controverted subject; but he might state that investigation showed that the trade of two of the principal companies—the Electric and International and the Magnetic Companies—was growing in the one case at the rate of 18 per cent, and in the other case at 32 per cent per annum. Now, if the trade of the whole of the companies were only growing at the average rate of 10 per cent per annum that trade would, by the 31st of December in this year—the earliest date at which they would probably be able to take over the business—have increased to such an extent that, instead of its being twenty years' purchase on the receipts of 1869, it would be seventeen and a-half years' purchase of the receipts of this year that they would give. It might be interesting to the Committee to know what proportion of that £5,715,000 was due to the purchase of those twenty years' profits, and what was due to other matters. Now £5,220,109 was due to the purchase of those twenty years' profits, while the other provisions only amounted in all to £494,938, or something under £500,000 sterling. As soon as the telegraph companies had been settled with, they proceded to deal with the railway companies interested under the Bill. The agreements with the railway companies were not yet entirely concluded, but two of the most important—the London and North-Western and the Great Western Companies—had been already settled with; and the amounts which were claimed by the other companies and the progress made in the adjustment of their accounts proved conclusively that the claims of the railway companies would to a very great extent assume the form of a charge for rent or wayleave, and that £700,000 would be amply sufficient to purchase the whole of the trade of the railways which were doing public telegraphing business. While those two investigations were proceeding, they also took measures to ascertain what amount it would be necessary to spend on the extensions and re-arrangements of the telegraph lines so as to afford the country the whole extent of that accommodation which was promised last year. For that purpose the lines as they would be re-arranged were laid down on the map; the number of new instruments that would be required were computed; the cost of the re-arrangements was computed; the length of line for the extensions which would be necessary was calculated; the post offices in all parts of the kingdom were surveyed; the cost of the alterations of fittings was estimated; and the result was that the whole of the re-arrangements could certainly be effected at a sum under £300,000. He ought also to state that the £300,000 would cover the expense of obtaining the Act of last year and the expense of the preliminary investigations, of the arbitrations with the various companies, and, in fact, all the expense of setting the scheme in operation. They had now arrived at a sum for the telegraph companies of £5,715,000; of £700,000 for the railway companies; and of £300,000 for extensions and preliminary expenses. That brought the expenses as far as they had got to £6,715,000. There would be, under the monopoly clauses which it was proposed to introduce into the Bill, some few companies with whom it would be necessary to come to arrangements, and who were not dealt with under the Bill of last Session. There were some companies having very small trades indeed which it was not thought necessary to purchase. There were some companies which had got Acts and were in possession of certain patents, but which had never been in possession of some trade at all, but which would undoubtedly put in some claim under the monopoly clauses. They knew in some cases what those claims would be. Some of the claims that would be made were excessive, but still none of them were of any considerable amount; and power would be given by the Bill to deal with them by means of arbitration, which he thought would give them all to which they were entitled. It might confidently be stated, then, that the addition which those dealings would produce to the sum that he had mentioned would be very slight, and that the total expenditure to be incurred before the transfer of the telegraphs to the Government occurred would be covered by the sum of £6,750,000. The Committee would desire to know what was the net revenue which the Government anticipated the country would obtain in return for that expenditure. He would first take the gross revenue and the gross expenditure which they anticipated; and he would offer some explanation of how those gross sums were arrived at. They expected to get a gross revenue of £673,838; the estimate of the expenditure was £359,484, leaving a net profit of £314,354. The interest upon the £6,750,000 which he had stated as the purchase money would, at 4 per cent, be £270,000, or, at 3½ per cent, £236,250, leaving in the one case a surplus of £44,000 a year, and of £78,000 in the other. The Resolutions which he intended to move, and the Bill which would be founded on them, would give power to the Government to raise the necessary funds in any one or all of four different modes—either by Exchequer bills, or Exchequer bonds, or by the creation of Consolidated Stock, or by the creation of Terminable Annuities. It would not be necessary, seeing that the money would not be immediately required, that he should enter further into any explanation as to the particular one or the several modes which would be adopted. No doubt, if further information on that subject was desired, it would be furnished to the Committee by his right hon. Friend the Chancellor of the Exchequer; but he believed they might confidently expect that the money would by one or all of those methods be raised at a rate of interest not exceeding the lower figure he had named—namely 3½ per cent, and that the estimated surplus to which they might look forward, after paying all expenses and interest on capital, would be £78,000. He now proposed to state to the Committee how their estimate of revenue and expenditure had been arrived at. The first and principal item of their revenue was that for inland messages, which they estimated at £514,000 a year. That estimate was arrived at in this way. The number of inland messages for the year ending last December was, within a very few, 6,000,000. The ordinary increase that had been ascertained to exist in every one of these companies up to June 30, which was the date to which these calculations were made, would bring the messages up to 6,250,000. Now, there were two reasons why there would be a very large increase upon these inland messages. The first was the additional facilities that they were going to give to the public for the use of the telegraph, the second was the reduction in the price. As to the additional facilities which were to be given to the public in the use of the telegraph they might be classed under three heads. There would be, in the first place, the creation of offices of deposit, and every letter box and every pillar box would be an office of deposit where messages would be received to be sent to the telegraph office, to be forwarded to their destination. The next facility would be to bring the wires into the money-order office in every town and district, thereby bringing the telegraph into the centre of a population instead of its remaining, as it frequently did at present, in the outskirts. The third facility was the extension in many places of the number of hours during which the telegraph would be accessible to the public. With regard to some of these matters they had not had any means of ascertaining the increase. With regard, however, to bringing the telegraph nearer the centre of population, they had been able to form a tolerably accurate estimate. They had the experience, not only of foreign countries, but of telegraph companies in our own country to guide them, and they were consequently able to form a tolerably exact estimate of what would be the result if the telegraph companies extended their wires from the outskirts to the centres of population. They had reason to believe that there would be an increase of 15 per cent following from those facilities. As to the increase following the reduction in price, telegraph messages were now divided into several classes. Some were sent at 6*d.*, others at 1*s.*, others at 2*s.*, at 3*s.*, and at 4*s.* Those varying prices they now proposed to assimilate to one uniform tariff of 1*s.* for twenty words. In one case—that of the 6*d.* messages—there would be a reduction in consequence of the increase of the price to 1*s.*, and this reduction they had estimated at 50 per cent. The number of offices would, however, be so multiplied, and the item of porterage so far reduced, that they did not anticipate the reduction would really be so great. The increase of 15 per cent from the extension of facilities would of course apply to every kind of message: and would further increase the figures he was quoting. The 1*s.* messages would remain as they were, subject only to the increase of 15 per cent, the 1*s.* 6*d.* would be increased by 50 per cent, the 2*s.* by 100 per cent, the 3*s.* and 4*s.* by 103 and 106 per cent respectively. These were not arbitrary estimates. They had been ascertained to be the increase resulting from the reductions in tariffs in this and other countries, and the Government believed it to be an under statement of the increase that might reasonably be expected to follow the reductions they proposed to make. Taking the number of telegrams at 6,250,000, which was supposed to be the annual rate, from June this year the estimated number of messages in the first year would be 8,815,443. As a considerable number of these telegrams would consist of more than twenty words, each telegram had been estimated as producing 1*s.* 2*d.*, and at that price these 8,815,443 telegrams would yield a revenue of £514,234. He would have to detain the Committee for a much shorter time on the remaining items of revenue, first in connection with which was £109,577 for Continental and Atlantic messages. That was no estimate, for it was the actual share of the receipts from the Continental and Atlantic messages, which under their agreement they would be entitled to receive. It was the share of the receipts earned last year, and there was no reason to suppose that there would be any diminution in the next twelve months. Then from private wires and instruments they were to receive £25,027, and on the transmission of news £25,000, and in both cases the sums mentioned were less than the receipts which had been earned by the telegraph companies whose business they had taken. These items would give a total of £673,838. The first item of expenditure was £89,371 for the maintenance of land lines. In that item there was but little uncertainty. In one or two cases contracts had already been entered into with companies to maintain the lines at a certain sum per annum, and there was but little doubt that other companies would willingly accept the same terms. For the maintenance of wires on roads and canals, which would be put down in a different way, they had taken the highest rates which existing companies had to pay. Next came the maintenance of inter-insular cables, £2,267. This sum merely related to the maintenance of the cable between England and Ireland, the maintenance of the submarine cable devolving on the Submarine Company. For the maintenance of instruments the estimate was £11,357. That estimate had been arrived at by actually counting the wires and instruments to be maintained at each station and the annual expense of maintaining each instrument having also been ascertained. The next item was for salaries and wages, uniform clothing, travelling expenses, poundage on the sale of stamps, and all other expenses incidental to the commercial branch of the business, and under this heading their estimated expenditure, including compensation for redundant officers of companies, would amount to £191,205. That estimate had not been made roughly, but had been formed upon a careful inquiry into the circumstances and requirements of every station. It proceeded upon a scheme mapped out and planned for every one of the offices; and though he did not mean to say that the scheme might not have to be altered, he wished to assure the Committee that it was the result of careful inquiry, and not of any guess. For wayleaves, rents, rates, and petty expenses, they had estimated £49,500, the larger part £30,000 having to be paid to the railway companies for wayleaves or rent. All the railway companies had not yet been settled with. They had made arrangements with the London and North-Western Railway Company; and with the others with whom their time did not so soon expire they would probably be able to arrange on more advantageous terms. The last item was £15,784 for the renewal of cables whether inter-insular or continental. That was, no doubt, a very exaggerated estimate. Contrary to the opinion of some of the most experienced engineers, the Government had taken the life of a cable at fifteen years, and estimated that they would have to replace them all at the end of that time. The total of the estimated expenditure was £359,484. It would, no doubt, be observed that the estimate was somewhat less than the estimate of the expenditure given by Mr. Scudamore. This estimate, laid before the Committee last year by Mr. Scudamore, was necessarily framed in a very rough and broad manner; but the estimate which he had just brought under the notice of the Committee was based on calculations made at every point. He might mention, as evidence of its probable accuracy, that the proportion of revenue to the expenditure was as nearly as possible the same as the proportion of revenue to expenditure in the case of the largest company—the Electric and International. He saw no reason why the Government should not be able to keep their expenditure in as favourable proportion to their expenditure as a private company had succeeded in doing. He might also observe that the calculations had been taken six months too soon, and for that reason had been taken rather to the disadvantage of the Government. The estimate of revenue had been made on the six months, ending June 30, in the present year; but the Government would not be able to enter into possession till the 31st of December, so that the revenue then would no doubt be considerably larger than that for the half-year on which the estimate was based. In the estimate no allowance was made for any increase after the first stimulus, but he thought the Committee would agree with him in thinking there was no reason to suppose that an annual increase in the profits would not arise. It was intended to introduce clauses to give a monopoly of telegraphic business to the Government. The Committee would observe that the Government did not expect this undertaking would be unremunerative. Indeed, he hoped that in time it would be a source of considerable revenue to the Government; but in resolving to enter into this matter the Government had been influenced much more by a regard to the advantage and convenience of the public than by a desire to make profits. It was true that the companies had extended their lines to the largest towns. The Government proposed to extend telegraphic communication to the suburbs of all the large towns, to all the second-rate towns having railway stations, and to places in which at present there were neither telegraph nor railway stations. The Government would serve 3,776 places, instead of 1,882 now served by telegraphs and railways, and they would have 848 branch offices, as compared with 277 existing at present. There was now one telegraph office to every 13,000 of the population; the Government would have one office to every 6,000 of the population. When the Government were giving such great advantages to the public he did not think it too much to ask that they should be protected from the unfair and dangerous competition to which they might be exposed by a company opposing them on some very remunerative line. He did not wish to enter upon any controversial topic on the present occasion. He would lay the estimates on the table and produce any other explanations in a printed form which the House might desire to be furnished with. The noble Marquess then moved the Resolutions.

Mr. HUNT thanked the noble Marquess for the clear and able statement in which he had laid the plan of the Government before the Committee. He would not enter into any controversial matters at present; but as the proposal to give the Government a monopoly was a departure from the scheme of last year, he would reserve his opinion on that point. He perceived also that it was proposed to give them the option of taking cash or Government securities, and he supposed the Government would reserve to itself the right to elect which of these four plans they would adopt.

Mr. CRAWFORD also thanked the noble Marquess for the clear and succinct manner in which he had treated this complicated subject. He wished to know whether, in awarding compensation, individual shareholders in companies would be dealt with by the Government in a direct manner or through the companies. There was some apprehension in the City that a large amount of stock was to be created, but perhaps there was no good ground for that apprehension. He should also be glad to know whether it were intended that the Government monopoly should interfere with the right now possessed by private individuals of communicating between their places of business and their manufactories or warehouses; he believed that any interference with that privilege would be found very inconvenient in many large establishments. He also thought that the increase of the charge from 6*d.* to 1*s.* for messages within the bounds of the metropolis would be unpopular, and would check the employment of the telegraph in that important portion of the kingdom. He thought the surplus should be applied, part in paying off the debt to be incurred, and part in reducing the cost of messages. The result of the telegraph being very extensively used would, however, be a reduction in our postal receipts. He wished further to be informed by the noble Marquess how it was proposed to deal with messages sent over sea—whether it would be necessary to resort to the telegraph companies in communication with such places as India or New York, or whether the work would be undertaken at the Government Offices? In conclusion, he had to express his belief that they were all bound to give to the Government every assistance they could towards carrying out that important scheme now that it had been finally adopted.

Mr. MACFIE said, he thought the country would be much indebted to the Government for bringing forward the scheme. A reduction in the tariff ought, however, to be made as soon as circumstances allowed of it. It was only on that understanding that the country would consent to a monopoly.

THE MARQUESS OF HARTINGTON said, he hoped that either he or his right hon. Friend the Chancellor of the Exchequer would be allowed to reply fully to the numerous questions of the hon. Member for the City of London on some future occasion. He might, however, say at once that the Government proposed to deal with the companies and not with individual shareholders, and that there was not the remotest intention of interfering with private lines of telegraph used for the transmission of messages, relating solely to the business of the owners. The exceptions to the clause granting a monopoly, would be sufficient to cover any case of that sort. The increased receipts were expected to result from the increased facilities which would be given, and from the reduction of the charges. To the question respecting Indian and foreign telegrams he could not now reply with certainty, but his impression was that messages to India and all Continental messages would be transmitted in the usual way through the ordinary offices; and he could not help thinking that the facilities afforded for the purpose would lead to a large increase in those messages. In conclusion, he took this opportunity of stating that, if the Resolutions were agreed to, he should to-morrow move the first reading of a Bill founded upon them. The measure would be referred to the Examiners of Private Bills, and he would take an early opportunity of stating when it would come on for a second reading.

(1.) *Resolved,* That it is expedient to provide for the purchase by the Postmaster General of the Undertakings of Telegraph Companies in the United Kingdom.

(2.) *Resolved,* That the Commissioners of Her Majesty's Treasury be authorized to raise such monies as shall be required for such purchase by the creation of securities chargeable on the Consolidated Fund of the United Kingdom.

(3.) *Resolved,* That the said Commissioners may raise such monies by Terminable Annuities or Exchequer Bills or Exchequer Bonds or Three per Cent Capital Stocks of Annuities, or by either or by all of such modes, provided that the total amount shall not exceed in the whole the sum of seven millions of pounds sterling.

(4.) *Resolved,* That it is expedient to authorize the payment, out of monies to be provided by Parliament for the purpose of all expenses which may be incurred in working, maintaining, and extending the Telegraphs so purchased, and for the issue of any surplus of receipts over payments arising therefrom to the Commissioners for the Reduction of the National Debt to be applied to the redemption of National Debt.

(5.) *Resolved,* That it is expedient to amend "The Telegraph Act, 1868."

House *resumed.*

Resolutions to be reported *To-morrow,* at Two of the clock.

House adjourned at a quarter after Two o'clock.

# HOUSE OF LORDS,

*Tuesday,* 6*th July,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—County Courts (Admiralty Jurisdiction) Act (1868) Amendment * (173); Assessed Rates * (174); Endowed Hospitals, &c. (Scotland) * (175).

*Committee*—Irish Church (109-172).

*Third Reading*—Titles of Religious Congregations Act Extension * (130), and *passed.*

## IRELAND.—RELIGIOUS DISTURBANCES.

### QUESTION.

THE DUKE OF ABERCORN: My Lords, in pursuance of a private Notice, which I have given to the noble Earl, the Secretary for the Colonies, I beg to ask a Question relating to a serious disturbance which, according to the reports in the public papers, has taken place in Ireland—this disturbance originating in an attack upon a Wesleyan Methodist congregation at Carrigallen, in the county of Leitrim. According to a statement, attested by the minister, on Sunday, the 27th of June, a Wesleyan Methodist congregation assembled in open day, in the private grounds of a gentleman residing in that locality, when it was attacked by a large Roman Catholic mob, which dispersed the meeting after inflicting much injury upon many members of the congregation, including women and children, by dangerous and violent stoning. Now, my Lords, I must be allowed to say that this is a somewhat suggestive and instructive commentary on the future of that Protestant Free Church, which has been so much alluded to by noble Lords opposite; for your Lordships will observe this was not a case of Protestant ascendancy, nor the case of a violent Protestant preacher. It was not the case of an established or endowed Church, where it might be supposed there was a grievance involved. The attack was made on one of the poorest, the most modest, the least grasping and the best conducted of Protestant communities. That congregation was attacked, not because it had any connection with the Established Church, but simply because they were assembled there, as Protestants, for religious purposes. I must confess, my Lords, that this outrage somewhat realizes an apprehension which I had entertained, but to which I have been reluctant to allude—namely, that when the Protestants of Ireland are deprived of the sanction and the prestige which the State gives to their Church, they will come to be regarded by the more ignorant of the Roman Catholic population as heretics and schismatics, and will be dealt with accordingly. I am perfectly aware, my Lords, that a large proportion of the Roman Catholic clergy and laity would do their utmost to discountenance such proceedings; but it is impossible not to foresee that in the more remote parts of Ireland, and amongst the less educated portions of the people, there is a strong probability that the members of a Protestant Free Church may hereafter be subject to real personal danger in the exercise of their ordinary religious duties. I beg, my Lords, to ask her Majesty's Government whether they have received any information on the subject; and if so whether they are prepared to take any steps to bring the offenders to justice?

**Earl SPENCER**: My Lords, although my noble Friend the Secretary for the Colonies has willingly given leave to the noble Duke to ask the Question without the usual notice, yet I do not think he desires that the rules of the House should be violated by a discussion taking place on this subject. I will therefore not follow the noble Duke but will confine myself to answering the Question. I am not able to give a detailed account of what occurred at Carrigallen on the day referred to, as we have no official information on the subject. But on receiving notice of the Question we communicated with Dublin, and I believe the following are the facts of the case as far as we are at present informed. An open-air meeting was held on the day mentioned at Carrigallen, which was unfortunately disturbed by Roman Catholics; several of the offenders are identified, and proceedings will be taken before the magistrates. Further than that I have no information, but I may state that notice having been given of the intention to hold a similar meeting on the following Sunday, preparations were made to ensure security to the congregation, but no such meeting took place. I need not say it is a matter of great regret to the Government that the proceedings of this meeting should have been interrupted in the manner stated, and that there is every desire on our part to maintain freedom of meeting and discussion in Ireland. It may, however, I think, be questioned whether it was a prudent thing, in a district of this kind, to hold such a meeting in the open-air when it was probable that a breach of the peace would ensue.

## IRISH CHURCH BILL—(No. 109.)

*(The Earl Granville.)*

### COMMITTEE.

House again in Committee (according to Order).

Clause 68 (Ultimate trust of surplus).

**Lord CAIRNS**: My Lords, I have an Amendment to propose in this clause, the object of which is to keep under the control of Parliament the disposition of the surplus property of the Irish Church. It is substantially identical with one of which notice has been given by the noble Marquess who sits on the cross-Benches (the Marquess of Clanricarde), but I understand that in point of form mine is entitled to precedence. Now, so much has been said from time to time upon the disposition of the surplus that I may in a very few sentences put before your Lordships my reasons for proposing the Amendment. In the first place, the amount of the surplus is altogether uncertain. That it will be large is, I think, obvious, but whether it will be £4,000,000 or £5,000,000, or whether, as some have estimated, £7,000,000 or £8,000,000 we have at present no reliable basis to justify a conclusion. In the next place, it is manifest that a very considerable time must elapse before any substantial portion of the surplus can be realized. The Commissioners cannot take possession of any part of the property for at least one or two years, and after that time the amount of property which will come into their hands will depend very much on the question of commutation. If there is no commutation they must await the expiration of the life interests; but even supposing there is commutation, their first duty will be to make the large payments prescribed by the Bill, and before four or five years there cannot possibly be any surplus which they can apply to any other purpose. My next reason for asking you to keep the disposition of the surplus in the will of Parliament for some time longer is that there are grave objections to some of the objects to which the clause proposes to devote it. I take exception, in the first place, to lunatic asylums, infirmaries, and reformatories, on the ground that the application of the surplus to them would not be for the purposes of charity at all, but, in truth, for the relief of those who are already bound by law to provide funds for those particular objects. Moreover, the application of the surplus pointed out by the clause is directly at variance with the Preamble as it now stands, for it is impossible that it can be carried into effect without distinct and dogmatic religious teaching being administered by the various denominations who will practically have the application of the surplus. I do not at all complain that that is the result of the clause, but it is a clause which in that respect is at variance with the Preamble. If these objects were to remain, you would have perpetual jealousies and heartburnings with regard to the shares in which the surplus was to be apportioned, and all the more so on account of the recital in the Preamble that no part of it is to be applied for religious teaching. Upon every occasion when a part of it was handed over—for instance, to a reformatory conducted on the principle of administering religious teaching—there would be jealousy and objection on the part of other denominations as to that application of the money. Then, what strikes one strongly is that you have no scheme whatever as to the mode in which the surplus is to be divided. It is true that on the introduction of the Bill the Prime Minister mentioned certain sums which he thought should be allotted to each of these various purposes, but the Bill prescribes no particular sum to be allotted to any particular purpose. The whole mass of the surplus is to be applied among all or any of these objects, and it remains entirely in the power of the Executive Government or the Poor Law Commissioners to say in what proportion it is to be devoted to these objects. Moreover, your Lordships cannot but be of opinion that the Poor Law Commissioners will be found to be a very inefficient body for the administration of this large sum of money. They are at present appointed for the purpose of controlling the various Boards of Guardians throughout Ireland. They have no power to deal with money, all they have to do being to see that the Acts of Parliament relating to the relief of the poor are put in force by the various localities by the Boards of Guardians. The Bill, however, proposes to make them administrators of this large fund of £7,000,000 or £8,000,000. Now, what certainty can we have that they will properly perform functions so foreign to their present duties? Let me give an example of this. Suppose a lunatic asylum has to be provided. At present there is a Board appointed to manage such an asylum in each particular county, consisting of persons who have an interest in the money to be expended, and who therefore take care that the expenditure is regulated upon principles of economy. Under this clause, however, you would have to choose between two alternatives, either of them very unsatisfactory. Either the Poor Law Commissioners must supplant the local body and take the whole administration into their own hands, or they must hand over money to that local body without having any check over the expenditure. These are objections to the details of the clause, but I have an objection which to my mind is stronger than any others. This is the first instance, certainly in my recollection, in which Parliament has been asked to part at once and for ever with the control of the expenditure of £7,000,000 or £8,000,000 without having had before it any scheme or rules according to which the expenditure was to be made. If the clause passes, it will not be necessary for the Government to come to Parliament and ask for any further powers or directions, but the Government for the time being and Poor Law Commissioners, without any intervention or control by Parliament, will be able to expend the whole of this enormous sum. Now, is it wise or consistent with Parliamentary practice to part at this period, long before the money is to be realized, with the control of the expenditure of it? We have had discussions of some length on the subject of concurrent endowment. I put it both to those noble Lords who have voted in favour of that principle and those who have voted against it that they ought to accept this Amendment. I put it to those who are anxious for the adoption of that principle, and who feel confident that the country will ultimately be willing to adopt it, whether the best way of accomplishing the end they have in view would not be to prevent the application of the surplus to a different purpose, and to leave it open to Parliament hereafter to adopt the principle? To those, on the other hand, who have opposed that principle, I would suggest whether, considering the modes and objects proposed by the clause, it is not, in fact, a mode of application which, without any of the benefits of concurrent endowment, will, in reality, involve all the possible evils attending the adoption of that principle. I propose that the clause should run thus—

> "When the commissioners have fulfilled all the directions contained in this Act, and that the objects of this Act have been fully attained, the property then vested in the commissioners shall, subject to all subsisting charges thereon, whether charges existing previously to the passing of the Act or created under the provisions of this Act, be applied in such manner as Parliament shall hereafter direct."

An Amendment *moved* in line 16, to leave out ("it appears to"), and also to leave out ("that they.")—(*The Lord Cairns*).

EARL GRANVILLE: My Lords, I certainly cannot consent willingly to the proposal of the noble and learned Lord (Lord Cairns), nor can I admit the force of some of the arguments which he brought forward in support of it. The noble and learned Lord said it was obvious, though the amount of the surplus might be doubtful, that it would be very large. Now, the noble and learned Lord stated the other day that out of the property of the Irish Church £9,000,000 had been appropriated in the House of Commons. He also stated that the property of the Irish Church was £13,700,000, though Mr. Gladstone had estimated it at £16,000,000.

LORD CAIRNS: I did not adopt either valuation. I simply stated that one was much higher than the other.

EARL GRANVILLE: I understood the noble and learned Lord to give the preference to the lower valuation. Now, I will not go into a calculation of the amount by which your Lordships have reduced the surplus; but, assuming the noble and learned Lord's statement to be correct, it is impossible that his statement this evening as to the largeness of the surplus can be accurate. The noble and learned Lord next stated that the Commissioners would clearly have no surplus at their disposal for four or five years. He seemed, however, entirely to leave out of consideration the fact that one of the great facilities which the Commissioners will have will be the power of borrowing in order to liquidate the sums they will have to pay; and we feel convinced that in the course of twelve or eighteen months there will be a surplus with which my noble Friend (Viscount Monck) and his Colleagues can deal. The noble and learned Lord went on to take objection to the way in which we propose to deal with the surplus, and he began with the lunatics, respecting whom there has been a good deal of joking. My noble Friend (Earl Russell) quoted, a short time ago, an observation which was received with much applause, that it would require a whole province in Ireland to go mad in order to exhaust the funds to be dedicated to lunatics; but the calculation is that £200,000 a year will be so applied, and £120,000 is already expended in that way, while the charge is yearly increasing. I am quite sure that it is not a practical observation to represent that a whole province of Ireland, some 1,500,000 persons, could be fed, boarded, guarded, and dressed at the rate of about 2*d.* a head. I believe that sum will be required for the existing wants of Ireland, and it is clear that while this demand has increased and is increasing, the way in which provision is at present made for it is in a very unsatisfactory state. It is hardly necessary to go into the question whether the Poor Law Commissioners would be a proper body or not to administer these funds. All I can say is that one of the most competent official men in this country, and one who had the full confidence of the late Government, on being sent over for the purpose gave an opinion that all these institutions would derive immense benefit from being put under the management of these very Commissioners. As to the proposal of the noble and learned Lord, it appears to me to be one of the most unfortunate in every respect which could possibly be adopted. I think there would be every possible disadvantage in such a postponement. The noble and learned Lord has not even suggested any alternative scheme for the disposal of the fund, and only two alternatives have hitherto been proposed in either House of Parliament. I am not aware that any alternative has been proposed in the House of Commons, but one has been considered and rejected by your Lordships—namely, concurrent endowment—while another has been put on the Paper for to-night by my noble Friend below the Gangway (Viscount Lifford). That proposal may be good or it may be bad; but if it is good there is no earthly reason why it should not be adopted at once, and if it is bad I do not see that five or six years' keeping would make it a whit better. The noble and learned Lord says the clause involves all the disadvantages of concurrent endowment without any of its advantages; but the noble and learned Lord himself strongly objected to concurrent endowment, both personally and on the ground that the people are opposed to it; and can your Lordships conceive anything more undesirable than holding this up as a bone of contention for an indefinite number of years? The Irish people have acquiesced in the Bill in its present shape, both by their remarkable quietness, as a whole, and by the votes of their representatives in the House of Commons; but if you hold this surplus up five or six years they will begin to believe that you will be ready to endow them to any extent in your power, and on any terms they like to exact. On the other hand, you will have all those popular feelings which exist in Scotland, in Wales, and in England working and agitated in a "no Popery" sense in order to prevent the Roman Catholics from ultimately achieving that result. What would be the consequence? Why, whether you decided one way or the other it would clearly excite ten times more dissatisfaction and more repugnance than if you now adopted this clause. I cannot conceive it desirable to leave this question open for agitation. We see how exciting these debates are in the minds of men, and yet we propose to prolong them indefinitely, whereas by the proposal of the Government we absolutely close the question, and may hope in our hearts to see the good effects of such a settlement. What would be the result on the Roman Catholics, the Church of Ireland, and the Presbyterians of leaving it open? Why, it would prevent the Roman Catholics from obtaining, by the voluntary system, those houses of which they are in need, and it would certainly deprive the Protestant Church of a great stimulus for making the best of matters, while the same remark would apply, though, perhaps, not quite so strongly, to the Presbyterians. It would paralyze all efforts for good, and more than anything I know would tend to verify the prophecies which are now made, that this settlement of the question will not produce satisfaction or tranquillity in Ireland. Now, I do not think your Lordships would be justified in verifying your own prophecies by taking a course to which we so earnestly object.

THE EARL OF MALMESBURY: My Lords, with regard to the noble Earl's (Earl Granville's) remark about the borrowing powers of the Commissioners, I hope they will not begin to borrow until they know certainly what the surplus will be, which at this moment is, to a certain degree, problematical. It was on account of the uncertainty of the surplus that I told the noble Duke (the Duke of Cleveland) on a former evening that I should vote with him if he waited till the 68th clause; for I thought it was rather like putting the cart before the horse to dispose of the surplus before we knew what it would be, because no doubt it has been diminished by all the Amendments to which your Lordships have agreed. The noble Earl opposite puts our backs to the wall and gives us no choice but the disposition described in this clause. Whether the surplus is £8,000,000 or £6,000,000, or less, the Bill proposes to devote it to lunatic asylums, reformatories, and nurses, who, by-the-way, will for the most part be Roman Catholic nuns, for I apprehend the Government object quite as much to the proposal of the noble Earl (the Earl of Shaftesbury) to lend out the money to Irish cottiers as to the Amendment of my noble and learned Friend (Lord Cairns). Without knowing whether the surplus is to be £8,000,000 or £4,000,000, we are to devote it to these institutions and to nothing else. Now, is that the way in which business is conducted in any private establishment? If any of your Lordships found a surplus at your banker's would you lay it down as an unchangeable rule that you would lay it out in some particular way, whatever the amount of the balance and the cost of that object? Surely common sense bids us first of all to ascertain what the surplus will be, and then to determine how it is to be applied. I have another reason for desiring a postponement. Three weeks ago, before I voted against the second reading, I should never have recommended or desired the taking any money from the Irish Church and applying it to other religious denominations; but the case is now different. The carriage has been stopped on the road; it has been emptied and plundered, and after being so plundered an enormous sum has been left lying on the roadside. That is the present state of affairs, and as the money lies there, and as the Government are really unable to say what ought to be done with it for the best interests of the country, we, who objected to applying the money of the Protestant Church to any other purposes, are justified in looking back to former propositions with respect to concurrent endowment, which, if they could be carried, would, no doubt, conduce very much to the peace of Ireland. Under these circumstances I am for employing the money not to relieve landlords from the county cess, but the clergy of all denominations from any personal discomforts under which they may be labouring. I do not pretend to have any great knowledge of Ireland, but I hear from landlords, tenants, and all who know the country, that if the priests could only be placed in a position of greater comfort the state of Ireland would be improved. Now, in postponing the disposition of the surplus we give time to the country to recover from the excitement under which it is now labouring, and to consider whether something like concurrent endowment would not be the best way of applying it. Looking, indeed, at the political horizon, I do not see that in the event of postponement there will be any other alternative. I believe you will end in concurrent endowment, or you must appropriate the money in the way proposed by the Government. I hope the latter will not be the case. I have never seen a more extraordinary revulsion of feeling than that which has occurred on the question of concurrent endowment among the upper classes of this country, and depend upon it it will descend to other classes. The fruit at the top of the tree ripens first. I do not suppose, indeed, that those Nonconformists who have fixed notions in favour of the voluntary system will recede from those opinions; but among moderate Protestants, among thinking men, and those who pretend to be statesmen, I believe the feeling will spread, and that if noble Lords opposite could see their way to concurrent endowment they would adopt it to-morrow. The Amendment, then, will give the country an opportunity, not, as the noble Earl (Earl Granville) says, of squabbling over the surplus, but of considering how it can best be distributed to the benefit of religion and the interests of Ireland in general.

THE MARQUESS OF CLANRICARDE said, that he had placed on the Paper an Amendment similar to that proposed by the noble and learned Lord (Lord Cairns), but containing a proviso that the disposition of the surplus should await a Report by the Commissioners of its amount. He did not think that the noble Earl the Secretary of State for the Colonies had given any valid reason either for rejecting the present Amendment or for adopting the plan of disposing of the surplus proposed by the Government. Admitting that the plan of the Government was a very fair one, he must warn them that it was not popular in Ireland. He had not heard a single man, whether landlord or tenant, lawyer or clergyman, express approval of it, and a more popular proposal would have been to relieve the poor rate instead of the county rate. He did not now recommend that the surplus should be used in supplying medical relief to the poor in Ireland, but he believed that it was the general wish throughout Ireland that it should be thus used in the various unions. It seemed to him, however, a great mistake, both from an economical and a political point of view, to tie up the hands of Government and Parliament before knowing what the amount of the surplus would be. He presumed that it had already been reduced to the extent of £1,500,000 by the Amendments agreed to by their Lordships. To those who, like himself, advocated concurrent endowment, it was important to know the amount of the surplus, and it was very likely that five years would elapse before the value of the commutations could be ascertained, for the clergy, being hostile to the Bill, might considerably delay that arrangement. Indeed, the existence of the Commission had been fixed at ten years in order to leave a due margin for their operations, and Mr. Gladstone, in his speech on introducing the Bill, used expressions which appeared to contemplate the probable necessity of subsidiary legislation. Now, nothing had occurred since March to justify the expectation of an immediate and definitive settlement. Why should not Parliament await the verdict of public opinion before coming to a decision on this point? It was not, indeed, to be expected that the advocates of the voluntary principle, who thought that that principle should be adopted in England as well as in Ireland, and in England rather than in Ireland, would come round to the principle of concurrent endowment, for they had been the real originators of this Bill. He believed, however, that the great body of Churchmen in this country were open to conviction on this subject, and as he did not believe the adoption of this clause would really close the question, he wished it to be left fairly open until the amount of the surplus and the opinion of the people could be ascertained. The statesmanlike course was to look ahead as far as possible with a view to present action, but not to attempt unnecessarily to tie up future action; and it was impossible to say what plan would be best suited to the circumstances of Ireland—three, four, or five years hence.

LORD TAUNTON said, he had felt a good deal of difficulty in making up his mind on this important point. On the one hand, he had felt the danger of keeping this question dangling before the people for several years; but, on the other hand, he feared that, in adopting the distribution proposed by the Government, Parliament would be taking a very unfortunate course. He had given a very cordial vote for the Motion of the noble Marquess (the Marquess of Salisbury) to apply part of the surplus to the improvement of the glebes of the Anglican clergy, and he had given a still heartier support to the Motion of his noble Friend (the Duke of Cleveland) to provide the Roman Catholic clergy—the clergy of the great body of the Irish people—with glebes and decent houses. The situation in which the question was now placed filled him with alarm, for he felt that their Lordships were sending the Bill back to the House of Commons altered in respect of giving greater advantages to the clergy of the Established Church, with whom personally they naturally sympathized, but stripped of a proposal which would have given glebes to the Roman Catholic priests. Now, he was strongly of opinion that if Parliament wished to obtain the affections and secure the tranquillity of the great body of the Irish people, it should lose no fitting opportunity of improving the position of their clergy, and of thus showing respect for that religion to which they were so firmly attached. Nor was that class of men unworthy of consideration. His personal acquaintance with Ireland was confined to a single year, but that year was a very remarkable one, for it was the period of the famine. As Chief Secretary for Ireland he was in Dublin during the whole of that year, and never did a day pass without his room being crowded with Roman Catholic priests, who described to him the dreadful state of their parishes, and asked his advice and assistance. Very often—a sight he was very glad to witness—they came hand in hand with the Protestant clergymen of the same parishes, and he was able to supply them with means of relief out of the funds placed at his disposal by the profuse but insufficient liberality of the British people. He never omitted the opportunity of expressing his hope that they would do their part in calming the minds of their flocks, and in assuring them of the heart-felt sympathy of the Government; and he was bound to say that the conduct of the Roman Catholic priesthood during that crisis was most exemplary. Knowing the heroic sacrifices they then made in every part of Ireland, and how they threw away their own lives in standing by their flocks in the hour of trial, he was not surprised at their hold on the affections of the Irish people. Now, the people of Ireland would not go into nice calculations, and it was necessary to speak in loud and distinct tones if Parliament wished them to believe in a real change of policy, and to see that it was desirous of doing them justice. Nothing would speak so strongly and effectually to them as a manifestation of sympathy and respect for their priesthood, by providing them with decent houses side by side with those of the Protestant clergymen. He deeply regretted, therefore, the defeat of a proposal which would have given to the Roman Catholic and also the Presbyterian clergy improved sustenance and support by means of glebes and houses. He was not as sanguine as some noble Lords that if they postponed the consideration of this question they might not incur dangers and difficulties—and to his mind they were no slight ones—from throwing this subject loose upon the country, and he was not so sanguine that at the end their Lordships would find themselves any better off. He regretted it, but he must do the best he could. If it were well in ordinary cases to follow the maxim—

> "Et mihi res, non me rebus, submittere conor,"

in matters connected with religion it was especially necessary. Under these circumstances, placed in a difficulty as he felt himself to be, he should vote against the Amendment of the noble and learned Lord (Lord Cairns). He was most anxious that this controversy with the other House should be closed. Their Lordships had already made very important alterations in the Bill. He had no doubt that the other House would view those alterations fairly and dispassionately, and would endeavour to see whether they could not be taken in accordance with those principles which underlay the whole Bill; but he could not conceal from himself, from indications he had seen of the temper of the House of Commons, that the probability was that they would not pass. He thanked their Lordships for the attention with which they had heard him. He had been anxious to state the grounds on which he should vote, but he confessed that he had not arrived at the conclusion to which he had come without some hesitation.

THE DUKE OF CLEVELAND confessed that it was with some pain and difficulty that he also had arrived at a conclusion as to how he should vote, because he was one who regretted extremely many of the alterations which had been introduced in the Bill, not only on account of themselves, but because they seemed to him to militate to a certain degree against its principles, and therefore the Bill had less chance of acceptance without some countervailing provisions. He had had the honour of submitting to the House a proposition which would have had the advantage of conciliating both parties, and of being supported by men of the most eminent talents on the other side in speeches of great ability, which must necessarily influence the great mass of public opinion, and who had expressed a liberality of view which he was glad to hear from them. He felt convinced that it was impossible that their view should not have great weight in the country, when taken in connection with other circumstances which had been alluded to. His noble Friend who had just sat down admitted that there was a great mass of public opinion which had been setting in in the direction of concurrent endowment. He had not himself adopted that word, but it had been used by the noble and learned Lord (Lord Cairns) who had invited those who adhered to the principle of concurrent endowment to support him. He knew it to be an unpalatable word, and that in many parts of the country it aroused feelings of antagonism which he believed to be unfounded. The measure which he had the honour to submit was hardly large enough for such a name, though no doubt to a certain degree it might be so called. But their Lordships should recollect that they were now called upon to vote once for all the disposal of a large surplus—a specific disposal which had been condemned alike from almost every side of the House. The surplus had been estimated at £8,000,000 or £9,000,000, though at a less amount by the noble and learned Lord (Lord Cairns), but he had heard no one who had addressed their Lordships approve the disposal of so large a sum in the manner proposed in the Bill. He was convinced that it was entirely out of character to have such a sum of money allotted merely to the building of asylums—he would not use a joking expression—for persons afflicted with mental aberration, of infirmaries, or reformatories; but there was this additional reason against the proposal which must command attention in the country—that these were objects which must necessarily be provided for by the land of Ireland, either wholly or to a certain extent, and it was therefore in point of fact a proposal to dispose of the surplus in favour of the land of Ireland, the greatest portion of which was in the hands of Protestant proprietors. The disproportion between the surplus and the objects to which it was proposed to devote it was so great that it was impossible it could stand the test of reason or argument, and he believed when the country came to weigh the proposal it would come to a different conclusion from that which it appeared at present to entertain. He believed that there was such a sense of justice in the great mass of the intelligent and thinking people that they would soon be convinced that after all this Irish property ought to be disposed of for Irish purposes, and that one of those purposes was providing decent residences and in some degree a decent maintenance for that priesthood which, for good or for evil, must be the priesthood of the people of Ireland. This country was not called upon to provide any endowment. The property was Irish property, and must be disposed of in some way or other. As had been pointed out by the noble and learned Lord, there must be religious instruction in asylums and reformatories—it was impossible to escape from that difficulty; but it was not on that ground, but on the ground that the amount to be devoted to asylums and reformatories was so disproportionate, that he must concur with the Amendment. He had voted against all the Amendments which seemed to him to militate against the principle of the Bill. He voted against the Ulster glebe lands being appropriated solely to the Protestant Church, though he felt there was much to be said in favour of the proposal; but still it seemed to him that without any countervailing Amendment it was utterly inconsistent with the principle of the Bill. He voted afterwards with Her Majesty's Government on another question; but when called upon once for all to say that the disposal which they proposed to make of this large sum of money was the best that could be made, he could not help thinking that it would be infinitely better that there should be some subsidiary legislation, and that no great harm could result from tying up the surplus for a time until public opinion might be directed more fully to the subject, as he had no doubt it would. Believing that that was the only way by which something could be done to satisfy Ireland, and believing that this Bill would not give satisfaction unless something more was done, he felt under an obligation to vote for the Amendment of the noble and learned Lord.

THE DUKE OF ARGYLL: My Lords, when I first saw the Amendment of the noble and learned Lord I confess I did not understand what his object could be in moving it, and I was not enlightened on that point until the close of his speech, when he threw a most ingenious fly to catch those noble Lords who had voted in favour of concurrent endowment; for then it became apparent that his object had been to frame a Motion which should unite the support of those who voted the other evening for and those who voted against concurrent endowment. I rejoice that my noble Friend behind me (Lord Taunton), who made so interesting a speech, has not been caught by the device of the noble and learned Lord. After the most mature consideration Her Majesty's Government came to the conclusion that concurrent endowment was impossible, under the circumstances in which we are placed, and to that we must adhere. I assure the House that, as far as my own feelings are concerned, I have never opposed concurrent endowment on those grounds most objected to by my noble Friend on the cross-Benches (Earl Grey), and denounced by him in language so energetic. I have never been against concurrent endowment on the ground that it was unlawful or against religious principle to endow error. I look upon what is called the property of the Church as an Irish fund, and I entirely repudiate the accusation made against Her Majesty's Government, by several noble Lords who have spoken in favour of concurrent endowment, that we are sacrificing the interest, feelings, and opinions of the Irish people to the ignorant prejudices—for that was the phrase used by my noble Friend on the cross-Benches—the ignorant prejudices of the people of England and Scotland. Her Majesty's Government has had no evidence whatever to prove that the majority of the Irish people are in favour of concurrent endowment; on the contrary, judging of the opinion of the Irish people, as the Government is bound to judge of it by the expressed opinion of the representatives of the Irish people in the House of Commons, I say we have in favour of our measure the predominant opinion of all classes in Ireland. My firm opinion is that surely as a proposal for concurrent endowment would raise dangerous controversy in England and Scotland, it would not be less dangerous as regards the controversies it would give rise to in Ireland. Men well acquainted with the North assure me that there is nothing more disagreeable to the feelings of the people of the North of Ireland than concurrent endowment. My Lords, I make these remarks because I wish to point out that, from the speeches we have heard to-night, we are invited, almost avowedly, to give a vote in an indirect form in favour of concurrent endowment; and I must say I should be surprised indeed if some noble Lords who spoke the other night, especially the noble Duke opposite (the Duke of Marlborough), who made a most straightforward and manly speech against the policy, are induced to vote in favour of a Motion the object of which is evidently intended to give at least a *locus penitentiæ* to Parliament in favour of concurrent endowment. And I appeal even to those who are in favour of concurrent endowment, whether this is not the worst course they could take for achieving their object. I agree with my noble Friend (Earl Granville) that whatever may be the abstract advantages of concurrent endowment, good can be expected to come from it only if it be voted at once; if the surplus be hung up for an uncertain number of years those good results which some expect would be entirely dissipated, and result in nothing but angry discussions throughout the three kingdoms. Now, my Lords, that is a conclusive argument against the course the noble and learned Lord (Lord Cairns) proposes, and has it not occurred to your Lordships that the vote we are now asked to give is a vote which will stultify the House in respect of its decision by a majority of 33 the other night? The noble Duke (the Duke of Cleveland) has said that no one has ventured to defend the particular application of the fund proposed by the Government. My Lords, I do defend it. As we are shut out from a course of concurrent endowment this, in my opinion, is the very best application of the funds. I deny utterly the statement of the right rev. Prelate (the Bishop of Peterborough) the other night, that if abstract justice is to be done to Ireland we should devote this money to the establishment of the Church of the majority of the people. My Lords, I am in favour of Established Churches, where they have grown up with the nation, and are intimately connected with associations and feelings and the memories of the great body of the people; but my firm conviction is that, in the present condition of things, wherever Established Churches have ceased to be in that position, the only alternative is free Churches, unestablished and unendowed. As regards the destination we recommend, I beg leave to point out that the money, as we propose to deal with it, is at least distributed for the benefit of the whole Irish people, without distinction of sect or of Church—distributed equally and fairly over the whole surface of Ireland, wherever unavoidable misfortune may be found. And on a higher ground I claim that our application is the best and wisest that could be made. Much stress has been laid in the course of this debate upon the sacredness of ecclesiastical property; but I will venture to affirm, and challenge right rev. Prelates to deny, that the great Reformers uniformly laid it down as a principle that the ancient property of the Church might, with equal justice and equal regard to religious principle, be devoted to the maintenance of the clergy or the relief of unavoidable suffering. The Reformers of Scotland wished that ecclesiastical property should be given to the relief of the poor. Now, it was objected to the proposal to devote these funds to the relief of the poor in the ordinary acceptation of the term, because we have already poor houses established by law; the First Minister of the Crown therefore suggested, and that suggestion has been adopted in the Bill, that you should devote this money to unavoidable suffering in a manner which will not relieve the owners of property or other payers of rates, but go to supply luxuries for the poor as distinct from their necessities; for, my Lords, there is a wide difference between the necessities of the poor as defined by the Poor Law and the necessities of the poor as they should be provided for in a Christian country. To supply these latter necessities I maintain to be a perfectly legitimate application of Church property. Another argument has been stated, or hinted at, now and then by some noble Lords in the course of this discussion, to the effect that our proposal would relieve the landowners. I quite admit that there can be no relief given to any parish but some portion of it will ultimately go to benefit the landowners; but I say with regard to those in Ireland that it is not true that the rates levied upon the occupier are wholly paid by the landlord. A very large portion of these burdens are not only paid nominally, but really, by the occupiers of land in Ireland. No doubt in certain circumstances, where the rental of land is determined by absolute free trade, I admit that the ultimate benefit of a remission would go into the hands of the landowner ; but we know that in a very large portion of Ireland the conditions of holdings are regulated by customary rents, and in these cases the remission would not go to the landlord. I believe it has been found as a fact by the officers deputed by the Government to inquire into this matter that the county cess is levied on the very poorest of the peasantry, and that whatever relief is given by this measure to payers of county cess will be given, to a very large extent, to the poorest occupiers. This, then, being an indirect, and, I must say, not a very fair, attempt to induce your Lordships to rescind the vote you gave the other night upon the question of concurrent endowment, I trust the Committee will not accept the Amendment of the noble and learned Lord, but confirm the Resolution of the other House to apply the funds to a just and legitimate purpose.

LORD CAIRNS : With reference to the statement of the noble Duke (the Duke of Argyll) that this Amendment was devised with a view to catch the votes of the whole of the minority and a large portion of the majority of those who voted on the proposal of the noble Duke on the cross-Benches (the Duke of Cleveland), I beg leave to state that the Amendment now before the Committee was placed by me upon the Paper before the Amendment of the noble Duke was placed there.

THE MARQUESS OF SALISBURY : My Lords, of all the false charges ever levelled against any public man the accusation against my noble and learned Friend (Lord Cairns) of a desire to endow the Irish priest is one of the most extraordinary. I do not think the course my noble and learned Friend induced his party to take the other night can be produced as evidence in support of the charge; in my opinion, that course must have convinced everybody who is capable of estimating character of the deep sincerity with which my noble and learned Friend holds the views he supports. Now, I wish to state to the noble Duke (the Duke of Argyll) that, although I have a feeling in favour of what he is pleased to call "concurrent endowment"—words which are scarcely grammatical and I am sure wholly inapplicable—I, for one, should have voted against this clause as it stands, because it would not really enact what it is apparently designed to carry out, and because it is indeed another example of that which, with all tenderness for the feelings of noble Lords opposite, I must call the conjuring tricks of this Bill. The noble Duke has dwelt in eloquent terms upon the duty of providing for the poor; and before the Bill was so much discussed in the House, it was one of the great subjects on which the Ministry congratulated themselves, that they had discovered such noble means of disposing of the difficulty of the surplus. Since the Bill has been submitted to criticism here, we have heard less of this ; but we have heard a little to-night, and it is necessary to come down from the heights of enthusiasm in which the noble Duke has indulged to consider the mere words of the clause he has recommended to your Lordships. Now, in the first place, although there are five different objects named to which this surplus may be applied, there is no limit fixed to the sums which may be applied to any given object ; the sum of £200,000 which is to be applied to lunatic asylums is entirely mythical ; it is not in the Bill at all, and the Queen in Council may, under this clause, apply the whole surplus to infirmaries and hospitals. The noble Duke said the funds would, under the clause, be devoted to providing for the luxuries of the poor, and he has also spoken of the funds being confined to the alleviation of unavoidable calamities. Whether lunacy is one of the luxuries of the poor I will not now discuss. The clause says that the surplus shall be applied, first, "to the support of infirmaries, hospitals, and lunatic asylums;" but it does not stop there—it goes on to say, "in exoneration of the grand jury cess, or other assessment in lieu thereof." I am justified in saying that not one farthing of this surplus will be applied to infirmaries, hospitals, and lunatic asylums, because it is merely applied in lieu of other money already applied to these objects, and, therefore, to the relief of those who pay. I apprehend that this is true, that if the cess or rate varies from year to year, a great proportion of the variation will come out of the pocket of the occupier, because the landlord does not alter the rent every time the rate is altered; but if a provision is made which materially reduces the amount of the rate, then, if the landlord is to retain any power over the tenant at all, I will venture to say that in any country in the world the landlord will get the benefit. There is no doubt there are things in Ireland which interfere with the discretion of a landlord, who is not likely to raise his rent if he stands a chance of being shot next day. I maintain, however, that under the clause, as it stands, the whole of this money, for aught that we know, will go into into the pockets of the landlords of Ireland. That alone would be, to my mind, a sufficient reason for postponing the distribution of the surplus until the Government have a better scheme to propose. I object entirely to placing, without precaution, so large a sum in the hands of the Executive Government. You have not done it before; and if it were your own money you would not do it now. Ask the House of Commons to place £8,000,000 on the Estimates to remain in the hands of the Government to be disposed of by the Queen in Council in the promotion of any particular object, and the idea would be laughed at. If you will not do it with your own money, why will you do it with this Irish money? So far from pacifying Ireland, it seems to me you will give the Irish an idea that instead of passing a Bill to meet their condition you are simply getting rid of an awkward question. We are to place this unprecedented trust in the Government for the sake of peace. We may buy peace too dearly; and I do not think that to avoid an annual discussion on the Estimates the House of Commons would be prepared to give millions of ordinary taxes to the Government to dispose of. The plan of the Government will not produce peace. Do you think you are closing this question? Do you think it can be closed as long as lunatics hold property by virtue of what is well described by the supporters of the Government as revolution? It will be a revolutionary title by which they will hold it, and such a title is proverbially unsafe, for it will be as easy to disestablish and disendow the lunatics as it is to disendow the Irish Protestant Church. I am convinced that as long as the wants of the Roman Catholic priests in Ireland are not met, as long as they are forced to rely upon the contributions which they can wring from the most indigent population in the world, so long will the question be liable to be re-opened by agitation. The noble Duke told us he was abstractedly in favour of concurrent endowment, but could not support it on account of the circumstances in which we were placed at present.

THE DUKE OF ARGYLL: I did not say I was abstractedly in favour of it.

THE MARQUESS OF SALISBURY: Well, the noble Duke said there was a good deal to be said in favour of it, but really in the present state of circumstances it was impossible for the Government to adopt it. The obvious course is to wait until the present circumstances have passed by. If you are placed in this most unfortunate condition that you cannot legislate according to your own conscientious convictions, if you are obliged to legislate according to the convictions of the Nonconformists, surely it is most desirable to put off to a more convenient season the settlement of every question that can be postponed, and to wait for a more fortunate state of things than that in which the Government is obliged to accept measures at the hands of the Liberation Society. I am anxious to lend a hand to the Government in extricating them from their difficulty. I fully disbelieve that the course you are invited to take by this Amendment will, in the end, produce more agitation than the course the Government are asking you to take, though it might produce more if the Government were to take a reasonable view. If you leave the disposition of the surplus open, that will not produce so much irritation upon the minds of the people of Ireland as it will if you tell them that you are irrevocably determined that those whom they most love shall have no share in the disposal of these funds. Not only because delay will give an opportunity to deal in a statesmanlike manner with the question in the future, not only because it will give time to the public to complete the change of opinion that is progressing so rapidly, but also because it will be on the whole a measure tending to produce peace in Ireland I recommend your Lordships to accept the Amendment of the noble Lord (Lord Cairns).

THE EARL OF KIMBERLEY: Notwithstanding the pleasure with which we always listen to my noble Friend (the Marquess of Salisbury) I think most of your Lordships will be disposed to say you have heard enough of pleasantries about lunatics. As far as my Colleagues and myself are concerned, we would be the last to resent a joke at our expense on the subject of the lunatic asylums of Ireland. However easy it may be to make a joke, the matter is far too serious to deserve to be treated with levity in this House. As regards the disposal of this surplus, I would remind the House of what was said by a noble Marquess on the cross-Benches (the Marquess of Clanricarde). He knows Ireland and the feelings of the people well; and I was struck by the statement he made. He said—"As far as I know the Irish people, what they would desire is that this surplus should be applied to the relief of the poor rate." Well, I apprehend our plan is not obnoxious to the charge that it will merely relieve the land.

THE MARQUESS OF CLANRICARDE interposing, remarked, that what he said was the application of the surplus to the relief of the poor rate would be most popular.

THE EARL OF KIMBERLEY: I am obliged to the noble Marquess. He said that the most popular plan would be to relieve the poor rate; and what is most popular I suppose is that which will most benefit the people. ["No, no!"] That certainly is my notion; it seems in Ireland it is otherwise; having been in that country sometimes, perhaps I ought to have known better. It happens, singularly enough, that while the poor rate is paid half by the landlords and half by the tenants, the county cess is paid entirely by the tenants, and this is a very great grievance with the small occupiers throughout Ireland; because this county cess falls very heavily upon them, and because the county cess is paid for the support of institutions such as infirmaries, which are not used so much by the very poorest as by the class who can avoid resort to the workhouse. Therefore our plan is not calculated so much to give direct relief to the landlords as to give sensible relief to the occupiers. It has been urged as an objection that the nurses to be provided will be principally nuns; but seeing that it is intended the greater number of them shall be midwives, I think it is improbable they will belong to the class named. As regards lunatic asylums, it is perfectly true, as the Bill states, that the money to be expended is to go in exoneration of the grand jury cess, and the sum will be about £185,000; but some of the other objects are not in exoneration of the county cess, and they will be provided out of the surplus. One of these is the increase in the supply of nurses for workhouses, and an increase in the number has been strongly recommended by the Poor Law Commissioners. There are considerable provisions for the deaf, the dumb, and the blind, with whom I suppose your Lordships will have considerable sympathy. The Census Commissioners both of 1851 and 1861 strongly recommended that some provision should be made by the Government for the education of these classes. These are some of the objects to which the surplus is applied, and I confess I think they are very legitimate objects. But then the noble Marquess opposite, after expressing his regret, as nearly all the speakers have done, at the decision at which the Committee arrived the other evening on the question of what has been called concurrent endowment, or, to adopt the phraseology of the right rev. Prelate (the Bishop of Gloucester and Bristol), co-ordinate grants, advocates the adoption of this Amendment on the ground that it will afford the people of this country an opportunity of considering the subject. But the noble Marquess will probably recognize the quotation, "*Rusticus expectat,*" and that is really about the course of public opinion on this subject. And now, my Lords, that we have nearly concluded the consideration of the clauses, has it not occurred to some noble Lords to consider as a whole the course which this House has adopted with regard to this Bill? You passed the second reading, but you have adopted Amendment after Amendment utterly inconsistent with the principle and the framework of this Bill; and I ask the House seriously to consider whether the Bill, in its present state, when it comes to be sent down to the House of Commons is likely to meet with their approval? When your Lordships, as I thought wisely, assented to the second reading of this Bill, I hailed your decision with satisfaction, because I believed that whatever Amendments you might think fit to adopt in alleviation of any hardships which you might believe likely to result from the Bill, you would, at all events, take care that the Amendments would not be so wide in their scope—that the Amendments demanded for the Church would not be so exorbitantly large and would not be so manifestly inconsistent with the principle of the Bill—as to preclude their acceptance by the other House. I ask you not to add another stone to the edifice which you have constructed—an edifice which I do not think likely to stand. I ask you whether it will not at all events be better to send down this Bill without another Amendment directly in opposition to what the other House has agreed to, without an Amendment which, whatever the fate of other Amendments may be, will, I am convinced, never be adopted by the other House?

EARL GREY: My Lords, I desire to remind your Lordships what this clause really means. The noble Earl who has just sat down has entirely ignored the objection as to the very large discretionary power placed by it in the hands of the Government. As the noble Marquess (the Marquess of Salisbury) has said, the clause is very vague as to the proportions in which the property may be applied to the various purposes mentioned in the Bill, and it is also vague as regards the parts of the country where it may be applied. And therefore, my Lords, mark the enormous facility for jobbing which is afforded by this clause. The moment this Bill is passed there will be an application, perhaps from an institution of one kind in the county of Cork, and perhaps from another of a totally different character in the county of Westmeath. A popular preacher in one part of the country will urge the claims of the institution in which he takes a particular interest, while a man of influence in another part will enforce the claims of some other institution which, in his opinion, deserves support. Nay, more, the inhabitants of one part of the country will be engaged in a contest with those of another part, with a view to deciding who shall have the largest share in the property. Now, it is well known to your Lordships that, for many years—both under the present and the former Governments of France—it has been evident that the great engine of electoral influence has been the power of dealing with competing local interests. Now, there is certainly nothing in the Act to prevent the employment of an organized system of electoral corruption. I do not for a moment suppose that the present Lord Lieutenant or the present Chief Secretary for Ireland would exercise any such power if they could use it, but we know very well that they have no freeholds in their offices. We do not know who will succeed them, and it is contrary to all sound constitutional principles to place in the hands of the Executive Government a power so extensive and one so capable of being abused. Again, as the noble Marquess observed, you do not vote £8,000,000 or £9,000,000 in a lump sum for the maintenance of the Army, and allow the Government to make "ducks and drakes" of what you grant. On the contrary, day by day the system is becoming more strict, and the Government is every day obliged to specify with greater preciseness the particular manner in which the money is to be expended. I say that the facility which this Bill gives to the Government for abuse, and the total want of clearness and preciseness as to the manner in which the money is hereafter to be applied, are decisive. I do not deny that there is much force in the argument employed by the noble Earl (Earl Granville) as to the inconvenience that will result from leaving this money to be scrambled for, and I only regret that by a former decision we prevented the definite application of a large portion. But, admitting that there is much inconvenience in the result which the noble Earl deprecates, you will not get rid of it by the clause as it has come down to us from the other House. The utmost that it will do will be to transfer the scramble from the walls of Parliament to the room of the Chief Secretary.

I believe that that scramble, dangerous as it is, will be less dangerous if the distribution is made in public and before the eyes of the country, than it would be if it were to be made in secret and in the office of the Chief Secretary; and your Lordships must remember that by accepting this clause you do nothing to prevent applications being made to Parliament. You cannot for some time actually spend the money which will be at your disposal, and application will meanwhile be made to Parliament, year after year, to ask you to vary the mode in which the money is to be distributed. That, I apprehend, will be the consequence, and I do not believe the inconvenience will be greater under the Bill as amended in the manner now proposed than it would be in the present shape. There appears to have been an evident determination to do anything in the world with the money; to throw it away in any possible and conceivable manner rather than to allow the priesthood of the great majority of the Irish people to derive any benefit from it; and, my Lords, I must repeat what I have before said, that the result is to make this measure a measure not of conciliation and peace, but of fresh injury and injustice to Ireland.

Earl GRANVILLE apologized for again rising in the course of the discussion, but he felt bound to deny that this money was to be disposed of in the room of the Chief Secretary of Ireland. If the noble Earl (Earl Grey) would look at the Bill he would see that it was to be entrusted to the management, not of any political body, but of a permanent body—namely, the Poor Law Commissioners of Ireland.

Earl GREY observed that the money was to be distributed, it was true, by the Poor Law Commissioners, but under the direction of Her Majesty in Council.

The Earl of KIMBERLEY said, he would refer their Lordships to the wording of the clause, which showed that on the issue of an Order in Council the property vested in the Church Commissioners, should be applied under the management and control of the Poor Law Commisssioners, to the objects enumerated in the clause. The latter part of the clause said that the Commissioners might, from time to time, report to Her Majesty whether there was any income available for the purposes named, and such portion of income should be applied "under such management and control as aforesaid." The Poor Law Commissioners would therefore control and manage the funds.

The Earl of LUCAN said, he believed that the Chief Secretary for Ireland was *ex-officio* a member of the Irish Poor Law Commission.

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Then on Question? the proposed Amendment *agreed to.*

Words inserted accordingly.

VISCOUNT LIFFORD moved to insert at the end of the clause the proviso of which he had given notice. The proposal he now made had not been submitted to either House, and he thought some such plan was essential. Considerable improvements had been made by their Lordships in the provision for the future Church of Ireland, though, in his opinion, those Amendments had been greatly endangered by being confined to one side. Two fallacies had been propounded in the course of this discussion—one, that a large amount of money would come to the Irish Church as the result of capitalizing; the other, that the same results would follow in the case of the Irish Church as in that of the Free Church of Scotland. Now the circumstances of the two countries were entirely different, and he did not believe that any analogy could be drawn between the two cases. He had no doubt that many large Protestant proprietors would have chapels of their own, and in the large towns proper provision might be made for the Church; but what would happen to the poor in the wilds of Connemara or Kerry? How could they receive any succour except by means of a plan of concurrent endowment? He believed that if Mr. Pitt could have carried out his views on this question the present Bill would never have been called for. But a greater statesman than Pitt, Fox, Castlereagh, or Sir Robert Peel had expressed an opinion on "levelling up," which would probably rather surprise their Lordships. He saw the Grand Master of the Orangemen present, and knew he would be true to his colours, and to the glorious, pious, and immortal memory of King William. Well, in the letters to Dean Swift, talking of Irish refugees, Sir Charles Wogan wrote as follows:—

> "I have often blamed their men of chief distinction and sense for having rejected the terms offered by the Prince of Orange to my uncle Tyrconnel in favour of the Irish Catholics in general before the decisive battle of Aughrim. The prince was touched with the fate of a gallant nation, that had made itself a victim to French promises, and ran headlong to its ruin for the only purpose, in fact, of advancing the French conquests in the Netherlands under the favour of that hopeless diversion in Ireland, which gave work enough to 40,000 of the best troops of the Grand Alliance of Augsburg. He longed to find himself at the head of the Confederate army with so strong a reinforcement. In this anxiety, he offered the Irish Catholics the free exercise of their religion, half the churches of the kingdom, half the employments, civil and military, too, if they pleased, and even the moiety of their ancient properties."

He believed the Irish people cared nothing about this Bill; though now they would, of course, be disappointed if it did not pass. The result of the Bill would be that hereafter an old man might point to a ruined glebe house in some remote part of the country, and say—"That came of a measure which we thought would give us religious liberty, but which ended in the ruin of that house, where there lived a kindly and generous gentleman, whose glebe now helps to support lunatic asylums which would have been supported if the measure had never passed." Now, if not less than ten acres of land were given in the way he proposed, such a grant would serve as a nucleus for the support of future clergymen, which would go far to remedy the evil he apprehended in the remote districts of Ireland. It would be said that the House of Commons would not assent to this Amendment. In his opinion, the Amendment would make the Bill more secure than it was before. But if this House engaged in a conflict with the House of Commons, they could not do so in a juster cause than this attempt to introduce religious equality in Ireland—an attempt which would place their Lordships in advance of the other House upon this question. Having said so much in support of the proviso, he would leave it in their Lordships' hands to be dealt with as they thought best.

An Amendment *moved*, to insert at end of Clause 68—

("Provided always, that prior to such report and such application above mentioned, the commissioners shall, so far as the property at their disposal may permit, vest in the said church body ten acres of land free of charge and costs for the use and benefit for ever of each incumbent of a parish or union of parishes while he shall perform the duties thereof in person or by deputy.

"And the commissioners shall likewise, on the application of the Roman Catholic archbishop or bishop acting as such in each district or diocese, vest in trustees to be named by such archbishop or bishop ten acres of land for the use and benefit for ever of the Roman Catholic parish priest acting as such in each parish or union of parishes.

"And the commissioners shall, on the application of the general assembly, synod, or presbytery of the non-conforming Presbyterian congregations of Ireland who have been in receipt of Regium Donum, vest in trustees to be named by the said general assembly, synod, or presbytery ten acres of land for the use and benefit for ever of the minister of each such congregation which has been in the receipt of Regium Donum.")—(*The Viscount Lifford*).

LORD HOUGHTON said, he felt strongly upon this subject, which was one brought by him before the other House of Parliament many years ago, but he had not addressed their Lordships upon it now, for his feelings had been represented in speeches of singular eloquence and by men of such high position and influence, that he could not conceive that their words would be willingly let die. With regard to the decision just given, he could not regret it, though a general supporter of the policy of Her Majesty's Government, because it indicated, in the strongest manner, that in the opinion of this House, the disposal of the surplus funds of the Church, as recommended by the Government, would not be satisfactory to the people of Ireland. There had been a great change in public opinion on this question. At the time to which he referred, the moderate and just proposals for a grant to Maynooth excited in this country a storm of indignation against Sir Robert Peel. Now, last night, a great majority of their Lordships approved the proposal to make a grant to Maynooth, not even from the Consolidated Fund, but from the property of the Irish Church. Such a change of feeling was one to be regarded with unmixed satisfaction. That question of concurrent endowment he believed would make progress in this country, and therefore he thought it was wise to defer the distribution of the large funds that would be raised under the operation of this Bill.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

EARL STANHOPE moved a clause providing for the preservation of the Observatory at Armagh, which was founded in 1791, and endowed out of the profits arising from certain rectorial tithes and other sources. The Observatory had since been conducted in the most excellent manner, and he had received from General Sabine, President of the Royal Society, a letter in which he expressed his opinion that this institution was second only to one of its kind in Europe—namely, to that at Greenwich. It had been enriched both as regards endowments and instruments by the munificence of successive Primates; but it depended greatly for its due support on certain rectorial tithes which under this Bill would be diverted from it. He desired to secure to the trustees the full benefit of their lease, which was of the kind described as "customarily renewable"—one of many such in the see of Armagh. It was of great importance to promote science in a country where hitherto it had been but little cultivated, and he therefore trusted that their Lordships would accept the clause of which he had given notice.

*Moved,* to insert the following clause:—

("Whereas the trustees of the Observatory at Armagh hold a lease of the rectorial tithes of the parish of Carlingford, customarily renewable by the See of Armagh, and under the provisions of this Bill such lease will cease to be renewable, and the aforesaid scientific institution be deprived of a portion of the annual income available for its support, it is hereby provided that the commissioners shall pay to the trustees of the said institution such sum as shall appear to them to be a fair compensation for the loss of the said customary right of renewal.")—(*The Earl Stanhope*).

LORD DUFFERIN said, he could understand the solicitude expressed by the noble Earl (Earl Stanhope) on behalf of the Observatory at Armagh, and he was glad to have the present opportunity of adding his tribute of praise to so useful an institution. He must, however, call attention to the fact that the funds referred to in the Motion arose from private leases which had from time to time been granted to the Observatory by the successive Primates of All Ireland. Consequently the institution had neither a legal nor a vested claim to these funds, which were, so to speak, merely private benefactions. It would be extremely inconvenient if any claim of this kind were allowed under the provisions of the Bill; but, at the same time, he was prepared to say that the claims of the Armagh Observatory, as a public institution of very great value, should receive a favourable consideration at the hands of the Government when the time for such consideration arrived.

EARL STANHOPE said, he had not framed the clause without consulting the vicar general of the province on the subject. It was on the express authority of that learned gentleman that he had described the lease in his Amendment as "customarily renewable," and he was assured that this description was perfectly correct.

THE EARL OF KIMBERLEY said, that cases constantly arose where leases which had been frequently renewed by Bishops were not renewed by the Ecclesiastical Commissioners.

LORD CAIRNS suggested that the noble Earl should postpone his proposal until the Report. It was desirable that they should know what the nature of the lease really was.

EARL STANHOPE consented to postpone his Motion.

Motion (by leave of the Committee) *withdrawn.*

Clauses 69 to 71 [*Saving Clauses*].

Clause 69 (Provision as to Acts relating to United Church of England and Ireland).

THE BISHOP OF OXFORD said, he wished to move the addition of a proviso at the end of the clause, to the effect that all persons admitted to Holy Orders by any Bishop of the Irish Church after it ceased to be united by law to the Church of England should be subject, *mutatis mutandis,* to the provisions of the Act of the 27 and 28 of the Queen touching persons admitted to Holy Orders by any Bishop of the Episcopal Church in Scotland. The clause, as it now stood in the Bill, would cause very great inconvenience in future, and would absolutely prohibit the clergy of the disestablished Irish Church from ministering in England; and the object of his proviso was to remove what he was sure their Lordships would feel to be a very great hardship to the clergy of the Free Episcopal Church in Ireland, especially as a Roman Catholic clergyman, on conforming and signing the Articles, could be admitted without re-ordination. The proviso would place the clergy of that Church on precisely the same legal status, in regard to officiating in England, as the clergy of the Scotch Episcopal Church now held in England. He was anxious that the clergy ordained in the Free Episcopal Church of Ireland should now be put in an ascertained position, and he thought the proper way of doing that was to put them, as far as Act of Parliament went, in the same position as the clergy ordained in the Episcopal Church in Scotland.

THE BISHOP OF GLOUCESTER AND BRISTOL said, he thought it desirable that some provision to the same effect as that proposed by his right rev. Brother should be inserted somewhere in the Bill, but he did not think it was quite clear that that was the proper place in which it should be inserted.

LORD CAIRNS said, he also thought it doubtful whether that was the most convenient part of the Bill to which to attach such a proviso, and he would suggest that it would be better if the Amendment were allowed to stand over for consideration till the Report. He was not at all sure whether, with the words proposed, the clause, instead of being an enabling, might not be disabling clause.

THE BISHOP OF OXFORD consented to postpone his Motion.

Motion (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 70 (Saving rights as to proprietary chapels and chapels of ease) *agreed to.*

Clause 71 (Saving of Act of 39 & 40 Geo. 3, c. 67) *agreed to.*

Clause 72 (Interpretation), with an Amendment, *agreed to.*

Clauses 19 to 22 [*Powers of Church after passing of Act.*]

Clause 19 (Repeal of laws prohibiting holding of synods, &c.)

LORD CAIRNS said, he should be among the first to claim for the Protestant Episcopal Church of Ireland, when disestablished, perfect freedom in every shape or form from Parliamentary interference in regard to its constitution; but a difficulty arose. In Ireland there existed at this moment an Act which prevented the holding of any assembly or convention of the Established Church. This Bill proposed to repeal that Act of Parliament, and, so far, the difficulty as to the clergy and laity of the Church assembling would be removed. But a fresh difficulty then commenced with which that Bill did not deal. The object was to enable the clergy and laity of the Church to assemble by their representatives before the day arrived for its disestablishment. The whole object of the Amendment was to provide that before the day of disestablishment should arrive, the Church might assemble and make rules with a view to its future good government. The clergy and laity of Ireland were all members of the Established Church as it stood, and they could not act in general assembly in any way but as members of an Established Church ought to act. As an illustration of the necessity of the Amendment, suppose there was at this moment in this country an assembly formed by representation or otherwise of laymen and clergy, some of whom were so sanguine as to hope, or perhaps who feared, that the Church at a future time might be disestablished, and in that view they commenced making rules for their future regulation; the whole thing would be invalid and illegal. Now, he wanted by this Amendment to set free the hands of the clergy and laity to make rules and regulations for themselves before the time of disestablishment should come.

Amendment *moved,* in page 8, at the end of the clause to add—

("And the bishops of the said church, and the clergy and laity of the said church by such representation, lay and clerical, and to be elected in such manner as they the said bishops, clergy, and laity shall appoint, may meet in General Synod or Convention, and in such General Synod or Convention frame constitutions and regulations for the general management and good government of the said church, and the property and affairs thereof, and the future representation of the members thereof in Diocesan Synods, General Convocation, or otherwise.")—(*The Lord Cairns.*)

THE ARCHBISHOP OF DUBLIN said, the Irish clergy in general were very desirous of perfect liberty, and that there should not be the remotest excuse for anybody saying hereafter that the Irish Church in its new form was a

State-made Church, having a Parliamentary title. On the contrary, though they knew all the difficulties which beset them, and that they would feel the weight of their liberty, they still desired to grow from their own root and build upon their own foundation. All they asked of their Lordships was to do as little as possible for them.

Lord ROMILLY said, his noble and learned Friend (Lord Cairns) appeared to him somewhat mistaken in the law, and, therefore, he begged to state what he apprehended would be the position of the Irish Church as soon as this Bill passed, in case nothing whatever was done by the members of that Church. These persons doing nothing whatever would remain, if they thought fit to remain, members of the Church of England, bound by the doctrines and discipline of the Church of England, exactly in the same way as the members of the Church in the colonies were the members of the Church of England, without meeting in any Synod or Assembly whatever; and if their doctrine and discipline were brought under the consideration of any court of justice, the matter would be determined by the opinion which the court of justice might form of what were the doctrines and discipline of the Church of England. But, on the other hand, they need not remain members of the Church of England, but might, if they thought fit, meet and make rules for themselves. For instance, the Scotch Episcopal Church had for a long time remained simply members of the Church of England, and did nothing but adopt its doctrines and discipline. But, about fifty or sixty years ago, they constituted a Synod, and formed a long and complicated series of Articles for themselves, which they afterwards revised in 1863. If their doctrines and discipline became the subject of judicial decision in a court of law, the question would be not whether they were in accordance with the doctrines and discipline of the Church of England, but whether they were in accordance with those Articles which they had framed for themselves and by which they had agreed to be bound; accordingly a short time since there had been an appeal to that House by a gentleman who complained that the rules made, in 1863, were *ultra vires*, and the matter, having been first tried in a Scotch Court, was afterwards brought to their Lordships' House. Both of which courts decided that the moment they agreed to be bound by certain rules which they themselves had framed they became a voluntary Church, and were no longer members of the Church of England; in fact, they differed, though not very materially, with regard to some points both of doctrine and discipline from those of the Church of England. Now, he apprehended that if any number of persons, being now members of the Church of England, thought fit to unite and say that they would form certain rules for Church government, for the election of Bishops, archdeacons, the trial of ecclesiastical offences, and so forth, they would be perfectly competent to do so, and it would be perfectly legal. If these rules were identical with those of the Church of England, though the rules would be merely superfluous, they would remain members of the Church of England; but if in any the slightest degree they did not conform to the doctrines and discipline of the Church of England, the only effect would be that they would be, to that extent, dissenters from the Church of England. There would not be the slightest illegality in the proceeding; but, like the Wesleyan Methodists, they would have their own doctrines and discipline. The most rev. Primate, whose speech so much delighted them on the second reading (the Archbishop of Canterbury), said that the union between the Church of England and the State was much older than the union between the Churches of England and Ireland. That was perfectly true. In truth it was coeval with the establishment of Church itself. And the Church of England and the State could not be separated from the State, but if severed would become a separate and distinct Church, and must reject the 37th of the Articles of Religion; and, therefore, their Lordships might dismiss their fears respecting the efforts of the society calling itself the Liberation Society, in endeavouring to destroy what was firmly rooted in the hearts of the great bulk of the English people, and by separating the Church of England from the State to convert it into a mere voluntary association.

Lord CAIRNS said, he was obliged to his noble and learned Friend (Lord Romilly) for having given so excellent an illustration of the necessity of the Amendment. His noble and learned Friend had called the members of the

Church of Ireland members of the Church of England. But, though united, the two Churches were not the same Church. They agreed in doctrine and discipline, rites and ceremonies; but when his noble and learned Friend represented, as he had done over and over again, that the members of the Church of Ireland would remain members of the Church of England, he had confounded two entirely different things. His noble and learned Friend had put this case —Suppose the members of the Church of England in England were to meet and say they would form a system of Church government for themselves, they might do so, and the only consequence would be that they would become Dissenters and cease to be members of the Church of England. But what he (Lord Cairns) wanted was, that before the disestablishment of the Irish Church the laity and clergy might meet and make such rules as they thought proper, and yet not be told that they were dissenters from the Church of Ireland.

THE EARL OF COURTOWN said, as an Irish layman, he wished to express his satisfaction at hearing from both sides that the Church of Ireland should be left as much liberty as possible. The series of clauses which they were considering was of immense importance to the working of the Bill and the future of the Church, for the body which was proposed to be created by this clause was the one from which the Governing Body contemplated by the Bill was to arise. He approved the proposal of the Government to leave the Church perfectly free, as it would be under the Bill, except as regards the formation of the Church Body, but he concurred in the Amendment of the noble and learned Lord. It had been suggested that the Bill would leave the future Church Body to be formed by chance, but, in point of fact, there would be little chance about it; the Primate and Bishops of the Irish Church, who were responsible for its good conduct, were active and zealous in the discharge of their duties, and there was no ground for fearing, as there would be in the case of perverse or crotchety persons, that they would improperly exercise the powers devolving upon them in this clause.

LORD ROMILLY said, that the Irish Church when disestablished would correspond in position with the Church in Australia or New Zealand. The members of that Church made no new rules, entered into no new articles, and accordingly they remained members of the Church of England, exactly the same as Roman Catholics in those colonies remained members of the Church of Rome. If they made new rules, and agreed to be bound by new Articles, then they became another and a distinct Church, and for that purpose they did not require the powers of any Act of Parliament. His objection to the Amendment of his noble and learned Friend (Lord Cairns) was that it seemed to assume that the Church could do nothing without a Synod and new laws. New laws were quite unnecessary; because, if things were left as at present, the Church would merely have to resort to the civil courts to expound their existing laws instead of to the ecclesiastical courts. The Episcopalians in Ireland would, in fact, be Dissenters from the Church of England to the extent the Episcopalians of Scotland were Dissenters. That was only to the extent that they framed rules not in accordance with those of the mother Church.

THE LORD CHANCELLOR suggested the alteration of the Amendment, so as to make it read that nothing should prevent the Bishops, clergy, and laity from meeting to frame a constitution; they did not wish to have powers given them by the Legislature; all that they wished was to be let alone to do what they liked. The moment you gave them power, you violated the fundamental principle of the Bill, which was equality. The Roman Catholics, the Methodists, and the Presbyterians had no such power, and therefore the principle of equality was gone immediately that any powers were given to the Church. It was quite right and fair that the Church should be free and unfettered, and therefore he would support an Amendment to the effect that nothing in the Act contained should prevent their meeting.

LORD CAIRNS said, the position of the Methodists was at present different from that of the Church, inasmuch as there was nothing to prevent the Methodists meeting. As the object in view would be attained by altering the Amendment in accordance with the suggestion of the noble and learned Lord, he would consent to alter it.

Amendment (by leave of the Committee) *withdrawn.*

Then the following Amendment made, and *added* to the clause:—

("And nothing in any such Act, law, or custom shall prevent the bishops of the said church, and the clergy and laity of the said church, by such representatives, lay and clerical, and to be elected as they the said bishops, clergy, and laity shall appoint, from meeting in general synod or convention, and in such synod or convention framing constitutions and regulations for the general management and good government of the said church, and property and affairs thereof, and the future representation of the members thereof in diocesan synods, general convention, or otherwise.")

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 20 (Existing law to subsist by contract).

Lord CAIRNS *moved* to insert the following clause instead thereof :—

"The present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, with and subject to such (if any) modification or alteration as after the 1st day of January one thousand eight hundred and seventy-two may be duly made therein according to the constitution of the said church, shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had mutually contracted and agreed to abide by and observe the same, and shall be capable of being enforced in the temporal courts in relation to any property which under and by virtue of this Act is reserved or given to or taken and enjoyed by the said church or any members thereof, in the same manner and to the same extent as if such property had been expressly given, granted, or conveyed upon trust to be held, occupied, and enjoyed by persons who should observe and keep and be in all respects bound by the said ecclesiastical law, and the said articles, doctrines, rites, rules, discipline, and ordinances of the said church, subject as aforesaid; but nothing herein contained shall be construed to confer on any archbishop, bishop, or other ecclesiastical person, any coercive jurisdiction whatsoever.

"Provided always, that no alteration in the articles, doctrines, rites, or, save in so far as may be rendered necessary by the passing of this Act, in the formularies of the said church, shall be binding on any ecclesiastical person at present in orders who shall within six months after the making of such alteration signify his dissent therefrom, nor shall such dissent operate to deprive such person of any annuity or other compensation to which under this Act he may be entitled."

Clause *agreed to.*

Clause 21 (Abolition of ecclesiastical courts and ecclesiastical law).

Lord ROMILLY *moved* to add the following proviso :—

("Provided always, that in all cases where any point of doctrine or discipline of the Church of England shall come into question and be decided by any of the civil courts in Ireland, the appeal shall lie to Her Majesty in Council in England, and not to the House of Lords.")

The LORD CHANCELLOR said, that if the Amendment were agreed to there would be one tribunal for the Protestant Episcopalian Church and another for Roman Catholics, Wesleyans, and others.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 22 (Incorporation of church body).

Lord CAIRNS *moved* the omission of the words of limitation.

Amendment *moved,* in line 22, to leave out ("to such extent as is in this Act provided, but not further or otherwise.")—(*The Lord Cairns*).

Earl GRANVILLE said, the Amendment would place the Church Body on a different footing from that of the Catholics, and it would be contrary to that equality which was the principle of the Bill if one body were allowed to hold any extent of land.

Lord CAIRNS said, that considering the small number of Peers present, he would not put their Lordships to the trouble of dividing; but the point was of importance, and he should therefore now withdraw the Amendment, and propose it upon the Report, when there would be a fuller attendance.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to,* with an Amendment.

Preamble *read.*

Lord CAIRNS proposed to make the Preamble conform to the clause postponing the application of the surplus by leaving out from ("be") in line 8, to ("and") in line 16, and inserting ("applied in such manner as Parliament shall hereafter direct.")

Earl GRANVILLE said, he should not put their Lordships to the trouble of dividing; but in order to mark his disapproval of the course taken by the House, he should say "Not-content" to the Amendment.

Amendment *agreed to.*

Words *struck out.*

Preamble, as amended, *agreed to.*

Title read, and *agreed to.*

House *resumed.*

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed,* as amended. (No. 172.)

House adjourned at a quarter before Ten o'clock, to Thursday next, half past Ten o'clock.

# HOUSE OF COMMONS,

*Tuesday, 6th July,* 1869.

MINUTES.]—SELECT COMMITTEES—Seeds Adulteration, Mr. O'Neill and Dr. Playfair *added;* Poor Law (Ireland) Amendment (No. 2), *nominated.*

SUPPLY—*considered in Committee—Resolutions* [July 5] *reported.*

PUBLIC BILLS—*Resolution in Committee*—Savings Banks and Post Office Savings Banks.

*Ordered—First Reading*—Electric Telegraphs* [197].

*Ordered* — Metropolitan Building Act (1855) Amendment*; Jamaica Loans*.

*Select Committee—Report*—Public Offices Concentration [No. 296].

*Committee* — Contagious Diseases (Animals) (No. 2) (*re-comm.*)—R.P. [103].

*Committee—Report*—Annuity Tax (Edinburgh)* [19-198]; Inam Lands* [193]; Pensions Commutation* [187]; Shipping Dues Exemption Act (1867) Amendment* [184].

*Considered as amended*—Stipendiary Magistrates (Deputies)* [176].

*Withdrawn*—Sea Fisheries (Ireland)* [51].

The House met at Two of the clock.

## GENERAL COUNCIL OF MEDICAL EDUCATION AND REGISTRATION.

### QUESTION.

SIR JOHN GRAY said, he would beg to ask the Secretary of State for the Home Department, Has "The General Council of Medical Education and Registration," appointed under the Act 21 & 22 Vict., c. 90, "represented" to the Privy Council, with a view to obtaining the co-operation of that body in improving the mode of educating and examining candidates for medical and surgical degrees, that the Official Reports forwarded to the Council for their information in the years 1865, 1866, 1867, and 1868, by the heads of the Military and Naval Medical Departments, complain of the "ignorance" of a large proportion of the licensed Surgeons and Physicians who annually present themselves as candidates for medical employment in the Army and Navy; and that the tabular Returns recorded in the Minutes of the Medical Council show that within the period embraced in the Reports named more than one hundred and fifty licensed Surgeons and Physicians who were entitled to hold any Poor Law or other Civil medical appointment in the Empire were rejected by the Military and Naval Medical Boards as persons to whom it would be dangerous to entrust the lives of Her Majesty's Forces because of their "ignorance" of the profession of which they are "licensed practitioners." If the Medical Council did not "represent" to the Privy Council that seventeen various kinds of medical and surgical diplomas or degrees were included in the list of those held by the one hundred and fifty candidates rejected for their ignorance of the elements of professional knowledge, did they represent to the Privy Council the case of any one of the licensing bodies who issued their degrees or diplomas with a view to put an end to the granting of licenses to practice, which the Reports and Tables recorded in the Minutes of the Council prove to be delusive as guarantees of practical medical knowledge; and, if the answers to the above questions shall be in the negative, to ask, is the Government prepared to take means to secure to the general public the same or similarly effective guarantees against the licensing of ignorant and incompetent men which are now enjoyed by the Military Forces of Her Majesty?

MR. BRUCE: Sir, no such representations have been made by the Medical Council to the Privy Council either with respect to the medical men, rejected upon examination by the Military and Naval Medical Boards, or with respect to the granting of licenses to the 150 rejected candidates; but I have reason to know that the fact has come under the notice of the Medical Council and excited their serious attention. I am informed that the Privy Council is at the present time in communication with the Medical Council, with a view to considering whether the Medical Act may be so amended as to insure a higher efficiency in the medical profession of the United Kingdom.

SIR JOHN GRAY said, the right hon. Gentleman had not answered his second Question.

MR. BRUCE said, that no such application had been made as that referred to in the Question.

## REDUCTION OF WINE DUTIES.

### QUESTION.

MR. AKROYD said, he wished to ask the Secretary to the Treasury, If any further communications have been received by the Treasury on the subject of proposals for a reduction of the Wine Duties, in connection with negotiations for Treaties of Commerce with Spain and Portugal; and, if so, if he will object to lay such Supplementary Correspondence upon the Table of the House?

MR. AYRTON said, in reply, that since the last Papers were laid on the table the subject had continued to engage the attention of the Government. The Correspondence was still going on, and as soon as he could lay the further Papers on the table he should be happy to do so.

## CONTAGIOUS DISEASES (ANIMALS) (No. 2) BILL.

[BILL 103.] COMMITTEE.

(*Mr. Dodson, Mr. William Edward Forster, Mr. Secretary Bruce*)

Bill *considered* in Committee.

(In the Committee.)

Clause 15 (Power to define ports, 1867, s. 46).

MR. READ *moved*, in line 37, to leave out "may" and insert "shall."

MR. W. E. FORSTER said, he must oppose the Amendment, which he thought was unnecessary. Inspection was insured by the Customs Act, and the Privy Council would, of course, immediately on the passing of the Act, define the limits of ports.

MR. G. GREGORY said, the Amendment, if carried, would be beneficial to the successful working of the Bill. It was desirable to prevent any cattle disease from being introduced into the country.

MR. HEADLAM said, he thought the debate on the Amendment of the clause was not likely to lead to any satisfactory result. He intended at the proper time to raise the whole question of inspection by moving the omission of the clause.

SIR JAMES ELPHINSTONE protested against the permissive character of the Bill.

LORD ROBERT MONTAGU said, he considered they were rather anticipating another Amendment the hon. Member for South-east Norfolk (Mr. Read) had to the clause. The effect of the present Amendment would be to define the ports of landing and no more, and it would not affect the cattle being slaughtered there.

*Mr. Akroyd*

MR. W. E. FORSTER said, he hoped the hon. Member would not press his Amendment.

Amendment, by leave, *withdrawn.*

MR. READ said, he was afraid the next proposition which he had to make would not be so satisfactorily settled. He proposed at the end of line 38, to add—

> "And all foreign animals imported into Great Britain shall be landed only at such ports or the defined parts thereof (unless from countries in which cattle plague or sheep pox shall not have existed during the three years preceding, or through which animals shall not have passed during the same period from countries so affected) and shall not be removed alive from such port or defined parts thereof except for slaughter to some slaughter-house in the immediate neighbourhood, which shall be specially licensed by the Privy Council, or except after undergoing a quarantine of not less than fourteen days.
>
> "Animals imported from such excepted countries, when imported in vessels which shall not have touched for a period of three months preceding at any port of any country which may have been affected with cattle plague or sheep pox shall be subjected only to such inspection and regulations as the Privy Council may from time to time by order direct."

His proposition was founded on no spirit of hostility to the general principles of the Bill. His object was to make the application of the Bill more strict upon the home producer, and more certain for the foreign importer. There was nothing in the Bill compelling the Corporation to provide a market—and even if they did provide one, no importer would be compelled to send a single head of stock here. It was possible that a small out-of-the-way market might be provided for foreign stock, and that none but diseased cattle would go to that market, and then it would be said that the foreign market had failed; but, nevertheless, the tolls upon all home stock would be doubled. Now, there was nothing so bad for the foreign importer as uncertainty; and after all our experience, since 1865, he thought some definite plan should be devised of getting rid of Orders in Council and embodying them in an Act. He believed it possible to define the countries which were the permanent sources of the disease—where the cattle plague was indigenous. It had been said that the long distance was a safeguard; but, in his opinion, every day brought the danger nearer. Cattle from Vienna could be landed on our shores in the course of four days. In the Rinderpest Return — for which he heartily thanked the right hon. Member for Newcastle (Mr. Headlam)—the vice consul at Jassy stated that, as the railway would be completed in about a year, the greatest danger would arise from the increased facilities of transport. It appeared from that Return that last year the cattle plague invaded the Austrian dominions, and then went to Galicia and Hungary, and from these districts we had been receiving hundreds of cattle ever since January last. The disease also existed in Poland, Turkey, Italy, and Russia. In the latter country, in one small village, 200 cattle died in the course of one day. In Turkey, 9,000 out of 10,000 were destroyed; in Galicia and Hungary cattle were decimated. It was said there was another safeguard in the strictness of foreign regulations. But many of these regulations were very lax. At Jassy the cattle plague was in permanent existence, principally owing to the negligence of the local authorities, who never took the trouble to ascertain the locality where the disease existed, or its intensity. In Warsaw the spread of the disease indicated a great neglect of the usual precautions. In Servia the authorities denied the existence of the disease, and had manifested every desire to conceal it. So far therefore as regarded the local authorities of that part of the continent, there was no safeguard wherever the disease existed. We ought, in his opinion, to draw a line right up from Italy to the north of Poland; all countries east of that line to be considered permanently dangerous. The result of the adoption of this Amendment, he might add, would be that a very large portion of the Continent would be exempted from the operation of the clause, including Denmark, Norway, Sweden, France, Spain, and Portugal. So much for the cattle plague. Now, with regard to the sheep pox. He readily admitted that the disease was less fatal, less contagious, and more easily managed than the cattle plague. It appeared from the authority of Dr. Williams, that that disease had, within the last twelve months, existed in Italy, the Netherlands, the North German Confederation, Mecklenberg, Oldenberg, Pomerania, West Prussia, and also in Russia and Poland. It might, however, be said that there had been no outbreak of sheep pox in England of recent years. He must say, on the contrary, that such outbreaks had been of frequent occurrence. There had, for instance, been an outbreak in Norfolk, in 1847, which had lasted three years; and another outbreak in Wiltshire, in 1862; one in Kent, in 1866; and no less than seven in 1867, almost all of which had been traced directly to the importation of foreign sheep. Professor Simons, in his Report, made in 1864, stated that the disease killed about 25 per cent of the flocks, and in several instances, 75 per cent, leaving those sheep which recovered in a perfectly worthless condition. It was shown, too, on the authority of the inspectors of the Privy Council, that sheep not only carried the cattle plague, but were themselves subject to a mitigated form of that disease. Then, with respect to the Orders in Council, if sheep were associated with cattle they were treated as cattle; but if they came in a separate vessel they might be sent all over the country. He considered that Order not one of the best that could be made. The right hon. Gentleman (Mr. W. E. Forster) had been informed by a deputation from the Thames Haven Company that there was no danger from sheep pox. Now, it existed to a considerable extent in Holstein, and importations from Tonning had commenced. The Thames Haven Company were so much afraid of sheep pox being detected at their wharf that they landed only their Tonning cattle at Thames Haven, and sent sheep up the river to London. The right hon. Member for Newcastle had expressed an opinion that the normal condition of the stock abroad was healthy. Now he (Mr. Read) contended it was diseased. His argument was this—that there were in this country diseases peculiar to our soil, but when large importations took place other diseases were added to those which already prevailed. Sheep, in foreign countries, were kept from year's end to year's end very closely confined, and it must be evident to anybody who knew anything about them that they were, under those circumstances, peculiarly liable to all sorts of skin diseases. It had been said that we ought to rely upon inspection. He believed that inspection was very well conducted now; but it was impossible in many cases to detect incubated diseases. Did inspection keep out the cattle plague in 1865; No; in that year, and in 1886 and 1867, it was not detected, and we had a fresh importation of the cattle plague. With respect to sheep pox, there were, as he had stated, seven outbreaks in 1867, showing the impossibility of detecting disease at the port of entry. Last August the Government learned that the sheep pox was rife on the Continent, and the inspectors discovered its presence at the wharves and killed some of the sheep imported; but in the case of others the signs of disease were not discovered until they reached the market, and had not the inspectors then found it out and killed them they would have spread disease all over the country. Last year he had proposed to introduce a similar Amendment to the present into the Metropolitan Cattle Bill, and it had the support of Mr. Milner Gibson, Mr. Moffatt, and the right hon. Gentleman the Member for the City of London (Mr. Goschen). He did not then move the insertion of the three years' proviso, and he was not now prepared to insist on that period of time, if it should seem to the Privy Council and the Committee that some other period of time might be more reasonably fixed upon. As to the construction of slaughter-houses at the foreign market, his idea was this—that if, as was stated, in 1873, Lord Lincoln's Act came into force, and all private slaughter-houses in the Metropolis were consequently abolished, he believed the Corporation had undertaken to provide some six or eight public slaughter-houses, which should all be connected with each other by rail. In that case he saw no reason for making at present any large provision for slaughter-houses. At present we imported about 5 per cent of all the live meat consumed in the kingdom. If the Bill was of any use at all, it would have the effect of saving from disease 5 per cent of our home cattle, so that its practical effect would be, not in any way to diminish our supply—because it certainly would not check foreign importation—but at the very least to increase it by 5 per cent. Under our present regulations the danger of the disease was steadily increasing. The introduction of diseased cattle could not be altogether prevented; inspection had failed; and he therefore hoped that the Committee and the Government would accept this Amendment.

Mr. M'COMBIE rose to second the Amendment of his hon. Friend the Member for South-east Norfolk. The agricultural community looked upon this Amendment as of the most vital importance. It was a matter of life and death with the tenant-farmers of Scotland, England, and Ireland; for if rinderpest got into their herds it was utter annihilation. The great increase of late years in the dead meat traffic in this country showed that no hardship whatever would be caused by the compulsory slaughter of foreign cattle at the ports of debarkation. He wished to lay before the House a few statistics bearing upon this point. Mr. Rudwick, of Berwick, the greatest dealer on the Border, killed 2,000 sheep weekly in the season for the London dead meat markets. In Fifeshire, there was an enormous dead meat trade, almost no meat being sent off alive. Coming to Aberdeenshire, we found that the export of live cattle to London was only half as large as it was ten years ago, while the dead meat trade had doubled in the same period. In 1859, the number of cattle sent alive was 20,400, and the quantity of dead meat was nearly 7,000 tons, or more than 23,000 head of cattle, calculating 6 cwt. to each animal. In 1861, the live cattle had decreased to 17,176—a falling off of between 3,000 and 4,000, while the dead meat had risen to 8,168 tons—equal to about 27,220 cattle. In 1865, the export of live cattle was only 13,589, as compared with upwards of 10,000 tons of dead meat, equal to over 33,700 cattle. He had not been able to get the exact statistics since 1865, but at present only about a-third were sent away from Aberdeen alive. During the season about 1,800 cattle were slaughtered there weekly, and only about 600 exported alive. The offals of the animals slaughtered were all consumed at Aberdeen, or within a reasonable distance. It was well known that the best of everything went to London—the best horses, the best oxen, the best sheep, the best grain, the best fish—and why? Because everything fetched the highest price there. If it were not for London and the West-end butcher, they would have but a poor demand for their prime Scots. Now, let them see where and with what did the West-end butchers apply themselves. The late Mr. Thomas Slater, the greatest West-end butcher, retailed 500 sheep a week during the Great Exhibition. His two sons, one at Kensington, the other in Jermyn Street, and Mr. Oakes were now the largest retail butchers in London. Between them they put about 100 cattle and 500 sheep through their hands weekly. Mr. Slater, of Kensington, bought one-half alive, the other half dead meat in the New Market. Mr. Slater, of Jermyn Street, bought every pound dead. And where did this dead meat come from? Three-fourths of it was Aberdeen dead meat. This would be found to apply to the other West-end butchers as well. He regretted to learn that there was a strong growing feeling among the tenant-farmers of Scotland that the Government had hitherto ignored their interests; but he trusted that before the next day of counting and reckoning came they would have no reason to complain that their just claims had been neglected. They feared no competition from abroad, but they feared a second visitation of rinderpest. They wanted no protection, but they wanted preservation from disease, and, therefore, he trusted the House would adopt this Amendment.

Amendment, as amended, proposed, at the end of the clause, to add the words—

"And all foreign animals imported into Great Britain from countries in which cattle plague or sheep pox shall have existed during the eighteen months preceding, or through which animals shall have passed during the same period from countries so affected, shall be landed only at such ports or the defined parts thereof, and shall not be removed alive from such port or defined parts thereof except for slaughter to some slaughter house in the immediate neighbourhood, which shall be specially licensed by the Privy Council, or except after undergoing a quarantine of not less than fourteen days. Animals imported from such excepted countries, when imported in vessels which shall not have touched for a period of three months preceding at any port of any country which may have been affected with cattle plague or sheep pox, shall be subjected only to such inspection and regulations as the Privy Council may from time to time by order direct."—(*Mr. Clare Read.*)

MR. HEADLAM said, that he quite agreed with the hon. Member opposite (Mr. Read) that it was very desirable that foreign nations should know with clearness and certainty their position in regard to the restrictions affecting the importation of cattle into England; and he, therefore, supported the Amendment. The practical effect of the clause in its present form would be to destroy altogether the foreign cattle trade. That had been established by the clearest testimony. Similar regulations enforced by the late Government had put an end to a considerable portion of the importation which used to be carried on at Southampton, and had entirely destroyed the trade in cattle from Spain, Denmark, and Sweden, in all which countries the cattle were perfectly healthy. The Committee must look this matter fairly in the face, and consider if they were prepared by diminishing the supply to still further enhance the price of meat. How much such a clause as this would diminish it no one could say, because the foreign trade was capable of almost unlimited extension. The opinion of the highest authorities ought to guide the action of the Government. Well, Professor Spooner, Principal of the Royal Veterinary College of England, had declared—

"That it would be a great mistake to do away with the restrictions on the London market if those on foreign cattle were to be maintained."

And the Inspector General of Veterinary Schools in France had recommended the Government to allow the free importation of cattle from countries whose sanitary condition could easily be ascertained, such as France, Belgium, Baden, Wurtemburg, Bavaria, Prussia, Saxony, and Western Austria. The experience of the past year proved that the countries which followed that advice had acted wisely. The Royal Commissioners of 1665 had expressed the same opinion as the eminent professional authorities above mentioned, for they had placed on record their opinion that if an absolute embargo were to be placed on all the cattle in Great Britain, then foreign cattle ought to be slaughtered at the places of landing; but if—as is the case now—no restrictions were imposed in England, it would be sufficient to take care that all foreign imported cattle underwent inspection, and that none coming from any infected district should be sent to any market in Great Britain. The truth was that France, Spain, Prussia, Belgium, Denmark, and Sweden, were free from the cattle disease; only one supposed case had occurred in Holland during the whole of last year. Why, then, should precautions be adopted and restrictions enforced in England that were resorted to by no other country, especially when it was beyond doubt that they tended greatly to hamper and diminish the foreign cattle trade, if not altogether to destroy it.

LORD ROBERT MONTAGU wished, in a very few words, to state on what grounds he would support the Amendment of the hon. Member for South East Norfolk (Mr. Read). He must begin, however, by stating that he differed from the hon. Member, for he had avowed his fear lest the right hon. hon. Gentleman the Member for Newcastle (Mr. Headlam) should be made Vice President. Now he (Lord Robert Montagu) earnestly hoped that he might succeed to that post; for he would not exercise the functions of it for a week without discovering how wrong were all his present opinions and impressions. The Vice President of the Council (Mr. W. E. Foster), as all knew, had entertained prejudices fully as great as those which were now held by the right hon. Gentleman. Yet now those prejudices had all been laid aside; he had adopted five clauses of his (Lord Robert Montagu's) Bill, which had been rejected by the House, and other Amendments of his besides. The right hon. Gentleman had given nearly all that they had asked. The right hon. Gentleman who had just spoken had mistaken the evidence of Professor Spooner. Professor Spooner was strongly in favour of separate markets; and he was so afraid of infection that he had stated that it was absolutely necessary to impose restrictions on the importation of foreign animals. On no account, he maintained, could they do away with the present restrictions. "But," said he, "the chance of infection from foreign animals is so great, and the chance of its being detected is so slight, that I doubt the wisdom of removing the metropolitan regulations, even after that the separate market had been established." This Amendment originated in a compromise. In 1867 a Bill was introduced and referred to a Committee upstairs. The promoters of that Bill desired that all foreign cattle without exception should be slaughtered at the water side, but Mr. Milner Gibson, Mr. Moffatt, and the President of the Poor Law Board, opposed that wise policy with the most untiring assiduity; so that at last the hon. Member for South East Norfolk, wearied out by the tortuous tactics and interminable arguments of these Gentlemen, proposed this Amendment with the view of putting an end to the bitter opposition which the Bill encountered, and with the hope that it might thus be passed during that Session. The hon. Member for South-east Norfolk thought that the Corporation of London would not be compelled by the terms of the Bill as it now stood to create this market; in that he was mistaken, because sub-section 2 of Clause 28 placed them in reality under a very strong compulsion to do so. If they failed to have completed, within two years, a separate market for foreign cattle, they would lose the monopoly which they at present enjoyed under their Market Bill of 1857. Any person or company might then form such a market for their own profit. He need not tell the Committee that there were a number of hungry speculators and wealthy capitalists who were eager to make such a market on their own account. He saw some of them in the House at that moment. The creation of such a market was, therefore, a certainty; for it would be made either by the City Corporation or by a private company. It was because this was the case that he desired to enact that foreign cattle should not be landed elsewhere than at the separate market; but as this might not be agreed to by the Committee, he supported the compromise of the hon. Member for South-east Norfolk. For this would be the state of things. There would be a foreign cattle market in London; there were already separate markets — or rather places of slaughter and sale of foreign cattle— in all other ports; and by an Amendment of his (Lord Robert Montagu's), which the Vice President had inserted in the Bill when it was committed *pro formâ*, the Privy Council would be unable to abolish these foreign markets. Well, then, he (Lord Robert Montagu) asserted that every local authority would be anxious for such a clause as that under consideration. Take one of them, that of London, for example. In order to make the market pay, the market authorities would desire to get as many beasts into their market as possible. Let not hon. Members think that those beasts which did not go for slaughter to the foreign market would have to go to the Islington market, for the metropolitan regulations were to be abolished, as the Vice President had stated; in fact, they could not be maintained.

Therefore, without such an enactment as that now under consideration, a number of foreign beasts would be driven through the streets in every direction, to the private slaughter-houses of the 5,000 small butchers. This would be a great detriment to the new market. It would be to the advantage, therefore, of the Corporation, to cause as many beasts to be slaughtered there as possible; and the interest of the public was the same, for who, when hurrying to a railway station or obeying the calls of business, had not experienced the nuisance of meeting a herd of bullocks in the street? Besides, these private slaughter-houses are injurious to the health of the public. They are not, and cannot be, under control. They are always in densely populated parts of the town; and the filth, stale blood, and numerous contaminations, poison the air and taint the meat. Evidence had been given before the Commission upon sanitary matters, which was now sitting, to show that the effect of slaughtering cattle at private slaughter-houses was extremely injurious. The evil occasioned by these private slaughter-houses had been always so manifest that in 1844 an Act of Parliament was passed declaring that they should be utterly abolished. In those days, however, property was sacred, and due regard was had to the slightest shadow of a vested interest. The public thereupon agreed to submit to the nuisance and injury for thirty years, in order that the butchers might recoup themselves and make other arrangements. The small butchers had undoubtedly made the most of their thirty years, as the enormous difference between the wholesale and the retail prices of meat showed. Under that Act the interests of the butchers had been amply protected, but the convenience and health of the public had been utterly disregarded. He asked the Committe to protect the public from further nuisance, and their health from further injury. It was now full time to disestablish and disendow the butchers, whose vested interests had been amply satisfied.

MR. LAMBERT said, those who supported the Amendment should be prepared to show that the restrictions imposed during 1865-6-7 had had the effect of preventing the importation of diseased cattle. In his opinion, those restrictions had been utterly futile, the disease having been eventually checked not by means of those restraints upon trade, but by compulsory slaughter. He challenged the noble Lord, or any Gentleman in the House to prove that a single authenticated case of cattle plague was imported into the port of London between July, 1865, when the disease commenced, and September, 1867. The Bill of the right hon. Gentleman was quite sufficient to protect the agricultural interests, and, at the same time, did not much interfere with the supply of cattle for consumers.

MR. PELL said, he thought that the Amendment would tend to remove impediments to the free importation of cattle from those countries where the cattle plague did not exist, and to prevent the importation of the disease from places where it did exist. He agreed that nothing should be done to interfere with the supply of food for the people; the price of meat was already high enough to satisfy the producer and to render the consumer discontented. But it would surely be madness to imperil the safety of our 9,000,000 of cattle for the sake of the 200,000 which were annually imported from abroad. With regard to the sheep pox, he would merely say that, in the year 1865, it had been introduced into the middle of Northamptonshire by sixty Dutch sheep which had been brought from the port of London; and that it was owing to the unselfish action on the part of the landlord, who, at his own expense, killed those sheep, that the wide spread of the disorder had been prevented. He should, therefore, vote in favour of the Amendment, the terms of which were fully supported by the Report of the Committee of 1866.

MR. W. E. FORSTER said, that he felt it only right to state that he had met with no trace of anything selfish or unreasonable in the demands of the deputations from the country which had waited upon him on the subject. They had made no attempt to treat this as a matter of protection. His short experience of Office, however, showed him that this question was a very difficult one. On the part of the agricultural community there was a most natural fear of anything like a recurrence of the fearful plague from which they had lately suffered; and there was also a natural fear on the part of the consumers in great towns and those by whom they were supplied, lest any unnecessary restrictions should for a moment be encouraged. He did not think that the House would be of opinion that the foreign import of cattle was not a matter of great importance, or that they had not to deal with a great question in either continuing or making new restrictions upon the import of foreign cattle. The hon. Member who had just spoken ought to recollect that if we had 9,000,000 of English cattle, we did not kill all those animals every year. Figures which had come into his possession only a short time before he had entered the House showed that of late there had been a great increase in the importation. He found that in the two first quarters of this year 109,292 cattle had been imported as against 48,934 in the similar time last year, whilst in sheep the imports had been 415,239 as against 180,334 in the same period last year. That large increase, he might add, had arisen chiefly since the relaxation in the Order which the Privy Council had felt it their duty to make in February of the present year. He had no doubt that the Committee felt the same anxiety as the Government to have all the restrictions that were absolutely necessary, but no more. The reason why the restrictions were to a certain extent permissive in the case of foreign cattle, whilst compulsory in the case of home cattle was, because, by the very necessities of the case, discretion must be used by some person or other in applying the restriction to foreign cattle. They could not at that moment define the countries that had the disease in them, and some one must be left to exercise his discretion and the knowledge of the day in putting these restrictions into force. When they came to home diseases, on the other hand, they made the restriction compulsory; because they only came into operation when the disease had actually broken out, and when it was necessary that efforts should be used to stop it. There were three ways in which they might deal with the question of the importation of foreign cattle. They might let them in with perfect freedom, treating them as home cattle, without any restrictions whatever. He did not think, however, that even the hon. Member for Newcastle (Mr. Headlam) would go that length. They might, on the other hand, take the precaution of absolutely prohibiting their coming from all countries abroad without being slaughtered; but he apprehended that such a proposition would not meet with general approval. They were driven, therefore, to using some discretion somewhere, and the only question was as to the amount of that discretion. It was their duty do two things. What the Government proposed was, that it should be their duty, on their own responsibility, if they had reason to believe that the cattle plague was raging in any country, to stop the importation from that country altogether; and, in the second place, if they had reason to suppose that there would be any damage in cattle coming in and being allowed a free transit in this country, it should be open to them not to allow such free transit, but, if they thought proper, to oblige those cattle to be slaughtered at the port of entry. Now, how did the hon. Member for South-east Norfolk (Mr. Read) propose to deal with the question? The whole of his Amendment turned on the insertion of the three years' provision, but the Committee would, in his (Mr. Forster's) opinion, defeat its own object in attempting to prescribe how men to whom a discretion was to be confided should use that discretion. It was an unpleasant position for anyone—it was especially unpleasant for him—to have any discretion in the matter; but he believed that the best safeguard to rely upon was that those who had the fullest knowledge of the circumstances should have the responsibility thrown upon them of taking the necessary steps to prevent the introduction of the plague. The proposed limit of three years during which a country should have been free from disease would be a most restrictive rule in some cases and a dangerous rule in others; for there might be a country which was the home and centre of the plague, and yet it was quite possible that it might have been free from the plague for three years in succession; while, on the other hand, there might be a country which was, upon the whole, free from the cattle plague, and yet within the three years some isolated cases might have occurred, because it was near to an infected district. His hon. Friend said he could not rely on the regulations of foreign countries, and that might be true of some—such, for instance, as the Danubian Provinces; but, on the other hand, take Prussia. Prussia bordered on a country where the cattle plague was indigenous, and yet its regulations were so satisfactory that it was kept free—though of course they could not prevent the plague creeping through now and then; yet it would be absurd and unreasonable to say that Prussian cattle should be excluded because the plague had, in one or two instances, passed across its frontiers. His hon. Friend (Mr. Read) was right in saying that by drawing a certain line north and south they might say that the plague came from the east of that line, while the districts to the west of it were free. Perhaps his right hon. Friend the Member for Newcastle (Mr. Headlam) would say—"Well, find out the cattle from the east of that line and put them into the restricted ports." But that was just what they were unable to do. He believed, for instance, that they would be perfectly safe in admitting cattle from Prussia, and Schleswig, and Holstein; but before they could admit them they must make some arrangement with the Prussian Government that they should not allow Polish cattle to be sent here instead of Prussian cattle. His belief was that if his hon. Friend's Amendment of three years was carried the effect would be to compel the slaughtering of all foreign cattle at the ports of landing. His hon. Friend said that cattle would come in from Italy, but there had been cases of cattle plague in that country within the last three years. France was just outside the limit. If the terms had been three years and a-half French cattle would be prohibited now, because we sent over the disease to the Bois de Boulogne, and infected some of the animals in the Zoological Gardens there. That showed the difficulties attending any attempt on the part of the Committee to frame rules and regulations for the Government to act upon in this matter. Again, therefore, he said it was better to leave the matter to the discretion of the Privy Council, and to hold them responsible for what might happen. His hon. Friend doubted if the London market would ever be made. But he agreed with his noble Friend (Lord Robert Montagu) that there was no fear of the Corporation making the market, for they knew that if they did not make it other persons would. The noble Lord had said that it was the interest of the Corporation of London to have the clause with the three years' term rather than not. That, however, was not their opinion, and it was a great inducement for them to come into the arrangement that the clause was framed just as the Government drew it up. As to the other ports, he thought that any attempt at compulsion would be resisted. What the Bill did was to make each of those ports understand that unless it formed a separate market for foreign cattle, it would be put to certain inconveniences; but he did not think that that inconvenience would be sufficient to ensure in every case the provision of a market. At Hull it was done because the Corporation happened to have two markets, and they agreed to use one of them for foreign cattle. By arrangement with the Corporation he also saw his way to a separate market for London. But that was done by arrangement. If they had not been able to make that arrangement the Government would have come to the same dead-lock to which their predecessors were brought; because he did not know how he was to have compelled the Corporation to make the market against their will, or how to over-ride their powers, or where to have found the money. And these difficulties would equally apply to other towns. He believed that if the present Bill passed there would not be more separate markets erected, but that cattle from the suspected countries would come into the port of London, where there would be a separate market for them; while the northern and eastern ports would be supplied from Norway, Sweden, Denmark, and, if the Government could make arrangements with Prussia, from Schleswig and Holstein. He did not think his hon. Friend had strengthened his case by references to the sheep pox. It would be a dangerous thing for the House to interfere with the enormous importation that was now taking place in sheep; especially when they remembered that the sheep pox was not like the cattle plague, but could be dealt with by the existing regulations, which this Bill would strengthen, and put down as soon as it appeared. Something had been said about the Government dropping the Bill if this Amendment were carried. Now, he was not disposed to turn sulky on the House because he could not have his own way. There was a considerable portion of this Bill which the introduction of this Amendment would not affect so much—the regulations regarding pleuro-pneumonia, foot and mouth disease, and others; but he believed that the effect of the three years' limit, compelling, as it would, the slaughter of all foreign cattle at the place of import would make things worse then they were at the present moment, and that it would be better to have London with a cordon round it, than to have a separate market accompanied with all the inconveniences which it would entail on the other ports.

Mr. CHAPLIN said, he considered that whatever legislation they adopted on this subject some interest must suffer; but the primary object ought to be to prevent the great calamity of cattle plague ever again occurring in this country. What were the best means of arriving at that end? There were two proposals—that of the Government and that of his hon. Friend the Member for South-east Norfolk (Mr. Read). The disease was not indigenous; it came from abroad by the importation of foreign cattle from an infected country. This fact should be some guide as to the best means of preventing its recurrence. The Bill proposed to invest the Privy Council with power to issue such restrictions as might appear necessary when the danger of the disease was apparent. But they might not be aware of the danger till it was too late. When "the plague had begun," it was extremely difficult to "stay" it. The Amendment of his hon. Friend went to the root of the evil, and by compulsory slaughter would prevent the possibility of the disease being circulated through the country. Prevention was better than cure, and he, therefore, hoped the Committee would join with him in supporting the Amendment.

Mr. HUNT said, they were all agreed in the desire to keep rinderpest out of the country, and that it was not desirable to place such restrictions on the import of cattle as would prevent people getting meat as cheap as possible. He thought they might arrive at some solution of the present difficulty without going to a division. He thought with his right hon. Friend the Vice President of the Council (Mr. W. E. Forster) that three years was too long, and he would venture to suggest that that limit might be considerably reduced. The precise limit would remain matter for consideration, but, perhaps, eighteen months would be sufficient.

Mr. W. E. FORSTER admitted that the suggestion of his right hon. Friend (Mr. Hunt) was a very conciliatory one, but he did not think the question of time had much to do with the matter. The result of putting in any time whatever would be that the Privy Council would, in a great measure, feel free from responsibility, and be content to throw it on the law which the House in its wisdom gave for their guidance.

Mr. HUNT said, the Amendment might be so worded as to leave full discretion with the Privy Council.

Mr. W. E. FORSTER said, the suggestion of his right hon. Friend had been fully considered by the Government. The Committee would have enormous difficulty if they undertook to save the Privy Council from trouble and responsibility in this matter.

Mr. HENLEY said, that if he had entertained any doubt whether the principle of the Amendment proposed by his hon. Friend was right he had been convinced by the speech of the right hon. Gentleman. The right hon. Gentleman had admitted the danger in the clearest terms, but he said—"Leave the matter to the discretion of the Privy Council." Now, it was impossible to look at the network of railways in Europe, connecting those places where it was admitted these diseases were never wanting with other countries, and not to see the impossibility of avoiding the risk of infected cattle coming into this country. There was one sentence in the right hon. Gentleman's speech which shook his opinion as to the safety of intrusting the Privy Council with this discretion. He told the House that if the disease did come the Privy Council would stamp it out at once.

Mr. W. E. FORSTER said, he was referring only to the sheep pox.

Mr. HENLEY said, he believed that both sides of the House agreed that no restrictions should be imposed except those which were absolutely necessary. The real question was, whether the Government suggested any precautions which had more safety in them than the Amendment. The Privy Council authorities had told the country that more cattle had been taken away from the consumers of this country in consequence of the cattle plague than the number of foreign cattle imported. He should support the Amendment.

COLONEL SYKES said, that the practice in France was precisely in accordance with the hon. Gentleman's Amendment, with the exception of the three years limit. Cattle from all countries having a clean bill of health were allowed to enter France. Cattle from doubtful countries were inspected on the frontier, and if found healthy were allowed to enter. Cattle from diseased countries were all stopped on the frontier and slaughtered on the spot. In consequence of these precautions, France had always been free from the cattle plague, in consequence of its having been arrested on the frontier. We had not displayed the same prudence and foresight, and the consequence was that 285,000 cattle had been slaughtered at an enormous waste of food, and loss of several millions sterling. In Aberdeenshire the moment a disease appeared in any village the cattle were slaughtered, and the consequence was that Aberdeenshire had suffered less than any other county in Great Britain. If the hon. Member would consent to restrict the time to one year the Government might then be trusted to operate as the occasions arose.

MR. HUNT said, he should propose to substitute the words—

> "And all foreign animals imported into Great Britain from countries in which cattle plague or sheep pox shall have existed during the eighteen months preceding, or through which animals shall have passed during the same period from countries so affected shall be landed only at such ports, or the defined parts thereof, and shall not be removed alive."

MR. NEWDEGATE said, that the Committee could define the ports thus, and give certainty to the trade. Some discretion ought to be vested in the Government; but every exercise of discretion on the part of the Government was Protection in its vilest form. It increased the price, because it created uncertainty and restricted trade. He had been for many years connected with the management of a veterinary College, and all the veterinary surgeons agreed that inspection was a farce unless they could detain the animals for a certain number of hours. If England with the advantage of her insular position were to take the same precautions as were employed by France, there would be no difficulty in keeping out the cattle plague. He should vote for the Amendment of the hon. Member.

MR. BRUCE said, that France had been referred to as an example to this country. Now, he would point out that the Bill of the Government agreed in every particular with the practice of France. The Government proposed to admit, free from all restrictions, cattle from countries possessing a clean bill of health; to exercise their own vigilance in the case of cattle coming from suspected countries; and toa bsolutely prohibit the importation of cattle from countries where, in their opinion, the disease existed. The Amendment of the hon. Member for South-east Norfolk (Mr. Read) proposed that they should prohibit the importation of cattle from countries where the cattle plague had existed within three years; but if that suggestion were to be adopted we should be unable to avail ourselves of perfectly safe markets in the event of single cases of cattle plague occurring in the districts within a period of three years. Under such a regulation no cattle could be imported from Prussia, which was notoriously free from cattle plague, although the authorities permitted cattle from suspicious districts to pass through the country in trains under certain restrictions.

MR. READ said, he would accept the proposal of the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) and would amend his Amendment by reducing the term from three years to eighteen months. He begged to move the Amendment of his Amendment accordingly.

MR. W. E. FORSTER said he would take occasion to explain that the Government had not deemed it their duty to divide the Committee on the question of amending the Amendment, because they thought it was only due to hon. Members that they should be permitted to put the views which they held on the point at issue in their own way. He must, however, observe that he was opposed to the Amendment almost as much in its altered as in its original form, because it was impossible for the Privy Council to know whether in a large country—such, for instance, as Prussia—disease had, or had not existed, within a period of eighteen months.

Mr. READ: If the right hon. Gentleman cannot know, the Privy Council ought, and should not have to rely solely upon inspection.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 162; Noes 220: Majority 58.

On Motion, That the Clause stand part of the Bill,

Mr. HEADLAM said, that, after the concession made by the Vice President of the Council (Mr. W. E. Forster), he should not move, as he had intended, that the clause be omitted, and he trusted that the clause might be carried into effect without the establishment of a separate market in London.

Colonel BARTTELOT said, if it was understood that the City of London was not to provide a separate market, he would endeavour to defeat the Bill by all the means in his power.

Clause *ordered* to stand part of the Bill.

Clause 16 (Power to prohibit landing, 1848 (I.), s. 1).

Lord ROBERT MONTAGU said, he had an Amendment to the effect that the words in the clause which provide that this power should be exercised in the case of foreign cattle "brought from any specified country or place" should be omitted. He believed that it would be impossible for the Privy Council to determine which was the particular country from which cattle brought to our shores from Rotterdam and other foreign ports had originally come. He moved in page 4, line 40, after "animals," to insert "either generally, or with certain specified exceptions."

Mr. LIDDELL said, he should be glad to know what machinery the Government had set to work in order to obtain information as to the existence of rinderpest in foreign countries. What channels of information did they possess, and was the information received reliable? Certainly the impression was that the Privy Council was not very well "posted" in that matter, and that they often knew less about it than private individuals.

Mr. W. E. FORSTER said, he was very glad the question had been asked. He confessed he had himself the same notion in past years as to the information possessed by the Privy Council. But since he had been in Office he had found that, very much owing to the care bestowed by the noble Lord (Lord Robert Montagu) the means of obtaining information possessed by the Privy Council were as good as well could be. That fact had already been admitted in the course of this debate; for the hon. Member for South-east Norfolk (Mr. Read) admitted the accuracy of the Return which had been given to his right hon. Friend the Member for Newcastle (Mr. Headlam). The information was obtained through our constant communication with the consuls resident in those countries where cattle plague was supposed to exist; and during the time he had been in Office he had never found their information seriously contradicted, or even anticipated by any private information. It was his opinion that the Privy Council was in a position to obtain as much information as could be obtained.

Sir HENRY SELWIN-IBBETSON suggested that inspectors should be bound to keep an accurate register of animals slaughtered.

Mr. W. E. FORSTER said, he should attend to the suggestion.

Amendment *negatived.*

Clause *ordered* to stand part of the Bill.

Clauses 17 to 21, inclusive, *agreed to.*

Clause 22 (Provision of wharves, lairs, &c., 1867, s. 47.)

Mr. WINGFIELD-BAKER *moved* at the end to add the words—

> "And the power hereby given is not to be altered by any Orders of Council under the provisions of this Act."

Mr. W. E. FORSTER said, he would inquire into the matter, and if he found that the clause required amending he would move an Amendment on the bringing up of the Report.

Amendment, by leave, withdrawn.

Clause *agreed to.*

Clauses 23 to 26, inclusive, *agreed to.*

Clause 27 (A) (Special provisions respecting metropolis).

Colonel BARTTELOT said, this was the most important clause in the Bill, and hoped that the right hon. Gentleman would give some explanation with regard to it.

MR. W. E. FORSTER said, that this clause empowered the Corporation of London to make the market; and it was merely intended to carry into effect the agreement that had been entered into between the Government and the Corporation, under which the latter had undertaken to make the market. He had said on a former occasion that he believed they would be able to make such an arrangement with the Corporation; and nothing could have been more candid, more straightforward, or more business-like, than the proceedings of the gentlemen who represented the Corporation in this matter. In the event of the Corporation not making the market by the 1st of January, 1872, they would by the next clause cease to have power as the local authorities, they would lose their monopoly, and they would lose the additional tolls which under the Bill they would be allowed to levy. Under these circumstances, there could be no doubt that the Corporation would make the market, and would carry out the intention of the clause in a substantial manner.

MR. CORRANCE said, he was quite content to accept on this subject the assurances of the right hon. Gentleman, whose conduct with reference to this Bill had been most straightforward and courteous. The Corporation of London appeared to have learned wisdom upon this question, and had discovered before it was too late, that, unless they were content to co-operate with the Government and the House upon this matter they would lose their trade.

Clause *agreed to*

Clauses 28 to 33, inclusive, *agreed to.*

Clause 34 (Determination and declaration of local authority, 1867, s. 12).

MR. MILLER moved, in line 21, after "surgeons," to insert "or in their option by one of the inspectors in the Veterinary Department of the Privy Council." His object was that there might be some definite authority to declare whether rinderpest existed or not in the country. Dr. Scott, a great authority in Scotland on the cattle plague, attached great importance to the proposed Amendment.

MR. W. E. FORSTER said, he thought it best to rely on the local authorities in the matter, and not let them suppose that a gentleman from London would do the work for them. If, however, Scotch Members attached importance to the Amendment in its application to Scotland, he would be ready to confer with them on the subject before the bringing up of the Report.

Amendment, by leave, *withdrawn.*

MR. G. GREGORY proposed at end to add—

"And the charges and expenses of such veterinary surgeon or surgeons shall be expenses of the local authority under this Act."

MR. W. E. FORSTER thought the Amendment would go further than the hon. Gentleman intended, but promised to consider the matter before the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 35 to 44, inclusive, *agreed to.*

Clause 45 (Exception for railways, 1867, s. 23).

COLONEL SYKES *moved,* at end, to add—

"Or the travelling to market of home cattle imported by sea from any port in the United Kingdom."

MR. W. E. FORSTER said, he thought the Amendment would go much further than his hon. and gallant Friend meant. The object of the clause was to enable railways to carry cattle through infected districts; but the Amendment would enable cattle to travel in any way, which would be quite unsafe.

Further consideration of clause *postponed.*

House *resumed.*

Committee report Progress; to sit again upon *Friday,* at Two of the clock.

## ELECTIONS (WALES).—RESOLUTION.

MR. RICHARD,* pursuant to notice, rose to call the attention of the House to the proceedings of certain landlords in Wales towards their tenants on account of the free exercise of their Franchise at the last Election. He had a large number of Petitions which he begged to present, complaining of oppressions practised by the landlords, and asking redress from the House. He had not taken this course on his own judgment alone. Six weeks or two months ago there was a meeting of the Liberal Members for the Principality, convened by his hon. Friend the Member for Swansea, at which, after hearing the facts which it would be his duty to state to the House, a Resolution was adopted that the subject should be brought before Parliament at the earliest possible moment. It was no pleasure to him to discharge this duty. On the contrary, he could say with the utmost sincerity that it pained him deeply to have to call in question in this public manner the conduct of any portion of his countrymen, however widely they might differ from him in his political views. But things had come to such a pass in the Principality of Wales since the last election, that he felt it incumbent on him, in the interests not only of justice and the freedom of election, but of public order and tranquillity, to try to put a check upon practices which, if not checked, must exercise a most prejudicial influence on the public peace and the good understanding which ought to exist between the various classes of society in the country. He would endeavour to explain in a few sentences the real political condition and circumstances of Wales, and he might, at any rate, urge this plea in claiming the indulgence of the House, that Wales had not often intruded itself on their attention; for whilst there had been discussions on English, Irish, and Scotch questions in abundance, both in this Session and in many others, no question relating to Wales had occupied the attention of Parliament, so far as he knew, within the memory of man. The inhabitants of the Principality were thorough Liberals in their political principles, and he need only adduce in support of that assertion two facts — first, the character of the religion they professed; and, secondly, the nature of the political literature which they encouraged. The Welsh might be described as a nation of Nonconformists; and, certainly, the bitterest hater of Dissent that ever lived, if he knew the circumstances under which they became so, could hardly find in his heart to censure them very severely, unless, indeed, he were of opinion that utter ignorance, irreligion, and immorality were evils less than dissent from any system of ecclesiasticism which might happen to have been established in a country. But, being Nonconformists in religion, they were by necessary consequence Liberals in politics, for a Dissenting Tory was a kind of *lusus naturæ* which was seldom or never met with. But it was not Nonconformists alone who were Liberals. He was happy to say that in Wales, as in all other parts of the kingdom, some of the truest and staunchest advocates of Liberal principles and policy were to be found amongst the members of the Church of England. But between Liberal Churchmen and Dissenters there was an overwhelming majority of the people who were Liberals in their political principles. The second fact he would adduce was the character of the literature circulating among the people. The Welsh had a large literature in their own language; nine newspapers were published in it, all of them advocating Liberal principles, with the exception of one which called itself Conservative-Liberal, which had a very small circulation, and was sustained by subsidies from the Welsh landowners. There were, besides, sixteen other periodicals, all supported by the Nonconformists, which, so far as they had any politics at all, were Liberal. In confirmation of this, he might refer to the report of a meeting held at Bangor last January, under the presidency of the Bishop of the diocese, with the object of promoting the interests of the Established Church in Wales by providing more churches and curates, and—as the circular convening the meeting expressed it — by establishing a newspaper in the Welsh language, on sound Church of England principles; at which Mr. Robert Isaac Jones stated that he had ten years before started a Welsh Conservative paper, but in six months he found it would be impossible to get the country to read it. An impression prevailed in England, which some landowners in Wales were willing enough to encourage, that the people had a sort of blind feudal attachment to the lords of the soil, whose lead they were prepared to follow in political matters without inquiry. There could not be a greater delusion. In a former age, no doubt, they took part in political contests less like citizens contending for their rights than clansmen battling for their chieftains. That time was past. Feudalism was dead in Wales, as it was everywhere else. Education and political intelligence had spread among the people; but that was precisely what certain classes of the Welsh landlords could not or would not understand. They would not understand that they were no longer lords over serfs of the soil, or chiefs among clansmen, but men among men, with certain advantages of wealth, station, and superior education; but surrounded by an intelligent, improving, reading, and reasoning population, who could be guided and influenced only by an appeal to their understandings and consciences, and not by feudal and social coercion. At the last election there was unusual excitement in Wales, principally owing to the fact that the political education of the people had been gradually advancing, so that a much larger number had begun to look with interest upon public questions; and, secondly, because there was then a question before the public in which it was possible to feel a deep and real interest, and behind that question a man in whose sincerity and earnestness it was possible to feel confidence. Both parties prepared themselves for the conflict—on the one side a Liberal and Nonconforming population, and on the other side the Church and Conservative landowners. The battle was fought vigorously, and he should not have had one word to say about it, except to express his satisfaction at the result, were it not that some Conservative landlords during and since the election had pursued a course, the tendency of which was to destroy all freedom of election, and to reduce the people to complete political serfdom. He wished, however, to guard himself against being supposed to bring a sweeping and indiscriminate charge against all the Conservative landlords of the Principality. Far from this, some of them had acted with the most honourable impartiality, and not only did not attempt to coerce the votes of their tenants, but took measures to let them know that they were at perfect liberty to exercise their votes according to their conscience. He would go further and say that some of those of whose conduct he complained were, apart from the evil spirit of party, amiable and kind-hearted gentlemen, accustomed to act considerately and liberally towards their tenants. But, unfortunately, they were afflicted with the monomania of believing that the franchise which the law conferred on persons belonged to the land. They looked on the vote apparently as coming within the operation of the Game Laws, something like a pheasant or a hare, which nobody was to dare to touch unless they gave permission; and if any one presumed to canvass their farmers he had no doubt they looked upon, and would like to treat him as a poacher. With this conception of the divine right of landlordism, the House would not be surprised to find that they conducted themselves in a very high-handed fashion at the last election. He would read an extract of a letter sent to him within the last few days in reference to one of the landlords of Cardiganshire. This letter stated that—

> "Soon after the two candidates announced themselves, all the tenants on the Nanteos estate within the neighbourhood for some miles round received notice to appear on a certain day at Nanteos, which they did, all with the exception of my informant, who was well aware of the object in view. The tenants were there and then pressed hard to promise their vote to the Tory candidate. I do not know whether any threats were held out then or not, but they were sorely pressed, and with one or two exceptions they gave in. The following day my informant was working in the farm-yard, and Captain Phelps, a relation of Colonel Powell, and his principal agent, happened to pass, and he cried out—'Very well, old fellow, I'll bear you in mind again after this,' alluding to my informant's absence from the meeting on the preceding day. He has had notice to quit, after being in occupation for many years.'"

He was sorry to have to say anything of Colonel Powell, who had sat in the House for many years as Member for Cardiganshire; but he had been more severe than any of that county, and all on his estate who had voted for the wrong candidate had received notice to quit. He had a letter, sent by the agent of another landlord to a tenant before the election, dated "Derry Ormond, Friday"—

> "Sir,—I am given to understand that you and Mr. Oliver as (*sic*) been about selecting votes for Mr. Richard among the Derry Ormond tenants. What business have you to interfeer (*sic*) with the tenants on the Derry Estate, and I trust you won't do so again. But mind your own business. If not, I will mind you before the 24th of next March. I am now desired to tell you, from Mr. Jones, that he expects you to vote at the coming election for his cousin Mr. E. M. Vaughan, and if you refuses (*sic*) to do so, you will have to leave and all others that refuse to vote according to Mr. Jones's wish.—Sir, yours truly,
>
> "W. COTTRELL.
>
> "To Mr. Rees Jones, Voilallt Factory, Llanddewibrefi."

This tenant, in spite of the threat, dared to vote in favour of the hon. Gentleman now Member for Cardiganshire, who then sat behind him, and, in consequence, he had received notice to quit his holding. He had been offered to have his holding back on payment of £10 a year additional rent, and giving a written guarantee that, for the future, he would vote for his landlord. He had another letter from a landlord, who owned several farms in Carmarthenshire, who, before the election, sent round to his tenants a gentleman named Bowcott, to desire that they would vote for the Conservative candidates. These tenants being Dissenters and Liberals, addressed a memorial to their landlord, asking, in the most respectful terms, that they might have permission to vote according to their consciences. To this the landlord replied, under date, November 20, 1868—

"I received a memorial yesterday, by post, with the names of my tenants, in Carmarthenshire, attached to it. Yours being the first in the list, I shall address my reply to you, and request you will make known its contents to those hereafter named. I cannot allow it to pass without remarking upon it, and first of all I must express my surprise at your making any difficulty in complying with my request conveyed by Mr. Bowcott, who was authorized by me to ask you to vote for Messrs. Jones and Puxley. As I am better acquainted with you, from seeing more of you, than I am with my other tenants, and from all you have professed for me, I feel surprised you should not have set a better example. Many, if not all my tenants, have lived with me for many years, and upon terms of confidence and good-will; and the continuance of such good understanding ought to be the aim as long as the connection between landlord and tenant continues. The severance of such good feeling, I fear, is the object of teachers who mislead them. As I said before, it is not desirable that a breach of confidence should take place where none existed before. I rarely, if ever, asked you, or either of you, to do anything for me; and as circumstances, from time of life, may prevent my ever asking you again a similar request, and as you well know my wishes, I certainly expect you will vote with me for those gentlemen.—I am your well wisher,

"C. R. LONGCROFT.

"To John Jones, E. Williams, and the other tenants."

The memorial was signed by six tenants, several of whom had been accustomed previously to attend the meetings of the present Member for Carmarthenshire—who sits on this side of the House—but after the receipt of the reply five of them voted for the Conservative and one for the Liberal candidate, this last having since received notice to quit. He had also a conversation between the same landlord and one of his tenants, John Davies, who attested the statement with his signature. The statement was as follows:—

"'Mr. Longcroft: Will you give your vote to Mr. Vaughan?—J. D.: I don't intend voting for anyone. I intend being neuter—I am a quiet man.—Mr. L.: Then, John, if you want to be a quiet man all your life, so far as I am concerned, give me your vote.—J. D.: I can't, sir.—Mr. L.: Then you prefer Mr. Richards to me.—J. D.: You don't state the case fairly, sir. It's not you and Mr. R., but Mr. Vaughan and Mr. R.—Mr. L.: Is it not I that gave you your vote, John?—J. D.: Yes, sir; but if you didn't, maybe I might have had it from some one else.—Mr. L.: Well, you will not give me your vote?—J. D.: I can't, sir.—Mr. L.: Then, John, you will have no vote again as my tenant.'

"I testify that the above is a correct statement of the conversation which took place between Mr. Longcroft and myself concerning the vote. I made the above known at the time to some of my friends.

"(Signed) JOHN DAVIES."

He had also a letter of another Welsh landlord—a clergyman in Somerset; and as this rev. gentleman had appended his name to his letter, and published it in the newspapers, there was no harm in saying that it was G. R. Bishop, and that he held an estate in Carmarthenshire. On that estate there was a Methodist chapel, built probably by an ancestor of Mr. Bishop; but when it was known that the now hon. Member for Carmarthenshire was coming out as a candidate, Mr. Bishop sent to the trustees of the chapel a letter, in which he said—

"If Mr. Sartoris will come forward and announce to a constituency that has for a quarter-of-a-century returned none but Conservatives, that he will be the follower of a man who, while he extends his right hand to Archbishop Cullen, gives his left to Mr. Miall, to be drawn anywhere, places his body in a mud bath, and takes what the *Saturday Review* calls a dose of Finlen; if, after such inconsistencies and abject flunkeyism, for the sole purpose of being raised to an eminence from whence, in spite of his great talents and appearance of intellect, I believe he would still be unable to contemplate his own position with calm judgment and discretion; if, after that, he will be his follower, and go to the poll and win, then all I can say is, that I shall be heartily ashamed of my own native county. However, I have something further to say of a personal nature to you who are the trustees and members of the Dissenting chapel that was built upon my land as far back as nearly three-quarters of a century, under a lease of ninety-nine years, at a nominal rent of 7*s.* a year. Now, would you not think it very hard, if, at the expiration of that lease, I, or my next representative, would decline to renew it? And would you not consider it, moreover, a sacrilege on our part, if we proceeded to dismantle the walls of the buildings and the court-yard wherein—unless my memory fails me—I saw some tablets to the memory of your dead? Being a minister of the Church of England, and whose duty it is to defend the existence of my Church, as much as her doctrines and her formularies, I ask you not to shoot your arrows at my Church by voting for Mr. Sartoris. Learn from this to do to others what you would wish to be done by. Behold! I am willing to place in your hands the scales of justice, and to say—'Whatsoever measure ye shall mete, the same shall be measured to you again.'"

But the *dénouement* of this case was rather curious. The rev. gentleman in his haste, or acting under extreme excitement, had misread the terms of his lease; for when the poor people to whom this letter was addressed, examined the instrument, they found it was a lease not for ninety-nine years, but for 999 years —before the expiry of which it might be fairly assumed that the rev. gentleman would have passed into a pleasanter country, let us hope than even Somersetshire, from which he thought he would look back without much complacency upon the attempt he had made to coerce the consciences of his fellow-Christians. The effects of these proceedings was that hundreds of the people were compelled to vote contrary to their convictions. He himself had been down in Cardiganshire during the elections, where he was well-known from his birth, and where, in consequence, the people had opened their hearts to him, and the impression left on his mind, from all he had heard and seen there, was that an amount of mental anguish had been endured at that time which it was difficult to measure. These men were intelligent, conscientious, religious men, who knew the importance and responsibility of the duty that devolved upon them as voters, and their convictions being decidedly Liberal, they were nevertheless dragged to the poll, some of them strong, stalwart men, with tears in their eyes. ["Oh, oh!" *and laughter.*] He was sorry that hon. Members on the opposite side found food for laughter in this. What had been done since the elections? Two or three months ago his hon. Friend the Member for Cardiganshire and himself began to receive letters from that county, and other Members received similar communications, speaking of the course taken by the landowners in giving notice to their tenants. One of them wrote—

"We are in as great a want of tenant law in Wales as they are in Ireland. Last week notices to quit fell upon the people of this county—Cardiganshire—and that of Carmarthenshire like a shower of hailstones. Nearly every Tory landlord in the county served those of their tenants who voted with the Liberals or remained neuter with a notice to quit their holdings on the 29th of September next."

Another correspondent near the same date writes also from Cardiganshire—

"All the independent tenant-farmers about here who voted against their landlords have received notices to quit, and there is no doubt the understanding is general between the landlords of the county from one end to the other. They may not turn them out, but they will advance their rents to such a pitch that they cannot pay their way, and unless the ballot is obtained before there is another General Election, I don't know what is to become of the Liberal cause in Wales. . . . . There are petty revenges wreaked on the heads of poor alms-receiving old women for having dared to shout "Richards for ever."

He was anxious to state, that when the communications to which he had alluded had been received by his hon. Friend and himself, they had taken great pains to investigate the cases that had been brought under their notice. They had prepared a schedule of questions asking for information on all the important points involved, such as the names of the tenants, the names of their farms; how long they had been in occupation of their farms; the names of their landlords; whether any arrears of rent remained due; whether any reason had been assigned for giving them notice to quit, except the way in which they had voted; to what religious denomination they belonged, &c. He had received accurate answers to these inquiries; and he held now in his hand the result, in a tabulated form, from which it appeared that there were forty-three cases in Cardiganshire, in which it had been ascertained, upon evidence which must satisfy any impartial mind, that all these men had received notices to quit, served upon them for no other cause whatever but that they had voted according to their consciences. He had twenty-six similar cases from Carmarthenshire, some of which were of a most touching and heartrending character. Many of the farmers had been long on the estate, and some of their families had been in possesion of the farms for 200 years; but when they asked the agent to withdraw the notice, he said—"No; you thought it your duty to vote against your landlord, and you must go to your friends for farms." He found among these cases, that of a farmer who, seven years ago, had to leave another farm he held under the well-known Miss Morris, a lady who, acting notoriously under clerical instigation, sent notice to her tenants that unless they attended her church they must give up their holdings. This man was a father of eight or nine children, and as he had suffered great loss much sympathy was felt with him. Another case was that of Caleb Morris, a man with ten children, who had notice to quit. He besought his landlord's agent to let him retain the farm, but was met with a refusal, and the disappointment so weighed upon his mind that he died. After his death his widow, thinking her forlorn condition and her ten children would awake sympathy, renewed the application, but the landlord would have no word to speak to her. He had also a letter from the gentleman who was sent to make inquiries and receive statements from the lips of the sufferers themselves—

> "The expulsion of a large number of Liberal tenant-farmers from their holdings for voting in opposition to the dictates of their landlords is also a matter of scandal and notoriety. Indeed, it is heartrending to witness, as I have witnessed, the agonizing emotions of families at the thought of having to leave the homes of their childhood, rendered dear and sacred to them on account of old family recollections. Some of these families had dwelt upon their farms for centuries, and are now, like the Pilgrim Fathers, about to seek a home in a foreign country, where they may obtain the political and religious freedom which is denied them in their Fatherland. On several occasions I was told by a weeping wife it was very wrong of the Legislature to induce her husband to believe that the vote for a Member of Parliament was his own and not his landlord's; for, under that impression, he had voted according to his conscience, and, as he thought, for the good of the community, and thereby incurred the displeasure of his landlord, and was under a notice to quit. And not only do these innocent men suffer by the outrages upon their most sacred feelings, but they are absolutely robbed, and I fear, in some instances, ruined, by tyrannies practised by their unscrupulous landlords. I know of many instances where the poor farmer had worked, and laid out for the improvement of his farm sums between £200 and £600, under the impression, and with the full belief, that he would have to remain there and enjoy the fruit of his labour. But in this he was mistaken; for, having unfortunately dared to vote for the Liberal candidate, he gave mortal offence to his Tory landlord, and this was enough to for ever sever the connection between them, no matter how long or how intimate that connection may have been. The tenant must leave his farm, or have his rent advanced, so as to make him sensible of the danger of exercising his political judgment in opposition to his landlord. I sincerely trust, Sir, you will endeavour to impress upon Parliament the necessity of bringing in a Bill to withdraw the votes ironically, under the present circumstances, said to have been given these tenant-farmers, by the late Reform Bill, or a Bill legalizing the Ballot."

The great hardship and injustice existing in Wales consisted in the fact that there was no law, or agreement, or custom, which would enable the tenants to obtain any adequate compensation for the improvements they effected in land. The result was that after being engaged in the cultivation of the soil for, in some cases, thirty and forty years, and after having buried their industry and capital in that land, they might be sent away at any time without having any claim for the money they had invested and the improvements they had made in the land they so long possessed. To turn a man out of his holding after so many years' possession for nothing but political reasons was, in his opinion, not alone oppression, but flagrant robbery. He considered the course pursued by those Welsh landlords was both highly reprehensible and foolish. If the object of those landlords was to keep in check Liberalism, surely the means taken by those persons were neither right nor likely to succeed. If they imagined they could change the political opinions of the people of Wales by this system of oppression he believed that they would find themselves much mistaken. The contrary had been the effect, as one of his correspondents stated in these words—

> "In my opinion there has never been a ,time in our history when the upper classes and the members of the Church of England were so unpopular in Wales as at present,"

For they had contrived to make it a question between Church and Dissent, as well as between landlord and tenant, as he found that out of the sixty-nine cases in Cardiganshire and Carmarthenshire that had been inquired into, all the landlords who served the notice were Churchmen, and, with one solitary exception, all the tenants who received the notices were Nonconformists. He believed these landlords were pursuing an insane and suicidal policy, inasmuch as they were setting themselves against the feeling of the whole country. There was an old Welsh proverb, the meaning of which they should understand, if they knew no other fragment of the language of the people among whom they lived. It said—and it was the only bit of Welsh to which he would treat the House—"*Trech gwlad nag Arglwydd*"—which means, being interpreted—and perhaps, it may have a wider application than to Welsh landlords—"A country is stronger than a lord." There was only one additional remark he had to make upon the communications he had read to the House. It was his pleasure and pride—as it was the pleasure and pride of all who sat in that House for Wales—to know that they represented a country which was less stained with the guilt of serious crime than any part of the United Kingdom. Maiden assizes were by no means uncommon occurrences in some Welsh counties, and notably so in regard to this very county of Cardigan, where the system he had been denouncing to-night had been most extensively carried out. Lord Chief Justice Bovill, who visited North Wales last year as Judge of Assize, expressed his delighted astonishment at the almost total absence of crime, by the remark that, so far as the natives of the Principality were concerned, there seemed scarcely any necessity for Her Majesty's Judges to visit their country at all. But if the wholesale notices that had been given were to be followed by wholesale eviction, he hoped—devoutly and earnestly hoped—that the people would remain the same quiet, orderly people that they had proved themselves up to the present. He would use whatever influence he possessed over his countrymen to induce them to be so. But when gross wrong was inflicted in the name of law, for which they had no redress, they were putting fearful temptation in the way of the people, and if any outbreak of resentment were to take place, who, he would ask, would be to blame? He would leave it to the good sense and wisdom of the House to reply to the question. He was aware that an attempt had been made to establish a sort of counter-charge by alleging that unfair and undue influence had been exercised on the other side by Nonconformist congregations and ministers. An hon. Gentleman opposite had undertaken, on a former occasion, to give the House some information respecting the character and condition of Dissenting churches in Wales, of which he knew about as much as he does of the inhabitants of the moon. He told the House there was no religious freedom in Wales; that if any man voted contrary to the opinion of the majority of the congregation he was immediately sent to Coventry—a power, he said, which was largely exercised at the last election. He was happy to have this opportunity to give that allegation of the hon. Gentleman the most absolute and unqualified denial. There was not the shadow of a foundation for it. The hon. Gentleman who had made the charge might have known, if he had thought fit to inquire—and he denied the right of any man to drag large and respectable bodies of his countrymen before this House, in order to brand them with dishonouring accusations, without first inquiring whether there was any foundation for them, and he had not made those inquiries. He would have found that the great Dissenting bodies of Wales had contradicted those accusations in the most indignant and emphatic terms that language could supply, and had challenged their accusers—a challenge which he then repeated in their name—to produce a single well-authenticated case from Cardiff to Holyhead, where the member of a Dissenting church in Wales had been expelled from his membership, or been deprived of any office he held in that community, or been subjected to ecclesiastical censure or discipline of any kind on account of the vote he gave at the last election. He would advert to another statement made by the same hon. Gentleman, that none were admitted to Welsh Dissenting churches except on the payment of money. A more absurd charge never fell from human lips. There were between 3,000 and 4,000 Nonconformist churches in England and Wales, and he would dare to affirm that there was not one among them in which a money qualification was a condition of membership. There were many of the poorest of the people who paid nothing, but were, on the contrary, helped by the charity of their brethren, but who were none the less welcome to whatever privileges the society had to confer. But then, they were told, that in some inexplicable fashion, Dissenting ministers had been coercing the members of their congregation. It was amusing to observe the widely different characters in which Dissenting ministers were made to figure according to the exigencies of political controversy. When it was thought necessary to decry the voluntary principle, that principle by which—as the hon. and learned Member for Richmond stated in his great speech on the second reading of the Irish Church Bill—Christianity conquered the world, but which had fallen into such utter disrepute in the estimation of modern Christians, that they could scarcely find language strong enough to express how much they distrusted and despised it—when he said it was thought necessary to decry the the voluntary principle, then the Dissenting minister was a mere slave, held in such abject submission to the opinions, and even to the whims and caprices of his congregation, that he dared not speak out the truth that was in him. But when it was found necessary to utter recriminations against those who complained of landlord tyranny, then the slave was transformed into the most absolute of despots, who held his people in such thrall that they dared not call their souls their own. But surely the same man could not be a slave and a despot at the same moment under precisely the same relation; the fact being that he is neither the one nor the other, but simply the chosen religious teacher of a certain number of persons, between whom and himself there exists no relation but what is purely voluntary, and which may be dissolved at any time at the will of either. He did not deny that Dissenting ministers had taken a very active and earnest part at the last election. And why not? Indeed it appeared to him that there was a little insincerity amongst them all round on the subject of clerical and ministerial interference in politics. He had heard clergymen of the Church of England censured for the active part they had taken in the last election. He must say he thought such censure wholly unreasonable. Considering how nearly and vitally the question before the country concerned them, they would have been more or less than men if they had not thrown themselves earnestly into the contest. But then, while hon. Gentlemen opposite found no fault with the vehement vigour with which the "drum ecclesiastic" was beaten on their behalf in Lancashire and elsewhere, when anything was said of Dissenting ministers or Catholic priests meddling in politics, they turned up the white of their eyes in sanctimonious disgust at such awful profanation of the sacred office. It seemed to him, he confessed, an unworthy and ignoble conception of the Christian ministry, which assumed that the man who entered it lost his rights, or was absolved from his obligations as the citizen of a free State. That was not the way he had learnt what Christianity exacted of us. If there was in politics something unhallowed or unclean, which a man of saintly profession could not touch without injuring his spiritual nature, then in what a nice case they all must be in that House. But, in conclusion, he must thank the House for the kind indulgence with which it had listened to him while endeavouring to lift his voice on behalf of his poor oppressed countrymen. He knew these men well. He knew some of the actual victims personally. He had known the class to which they belonged long and intimately, and he dared to say that a more quiet, honest, industrious class was not to be found in any part of the United Kingdom. He knew how by ceaseless toil, and honourably pursued from early morn to dewy eve, they extracted a scanty subsistence from an ungenial soil, rendered to them still more ungenial by the conditions under which, for political reasons, they were obliged to cultivate it. He knew how amid all this hard labour they nevertheless devoted no inconsiderable portion of their time and exertions, and scanty means, to diffuse education among their still poorer countrymen, and to support the religious institutions that were dear to their hearts. And, knowing all this, said the hon. Member, my bosom swells with sorrow and indignation, when I find such men trampled under foot by these little tyrants of the field. I invoke the sympathy and protection of this House on their behalf. It is not much they ask of you. They only ask that you will not permit the franchise you have bestowed upon them to be converted into an instrument of torture for their consciences, and into the means of oppression and ruin to them in their worldly circumstances. In a word, they ask that, as respects the rights you have given them, or rather the duty you have devolved upon them, and the importance and responsibility of which they feel, they shall be permitted to discharge that duty fearlessly and independently, as the free citizens of a free State. He begged to move the Resolution of which he had given notice.

MR. G. O. MORGAN:* In rising, Sir, to second the Motion of my hon. Friend, I trust I need offer no apology to the House for the course which we have thought it right to take in bringing this matter before it, for, notwithstanding the sneers of hon. Gentlemen opposite, I dare to affirm that this House cannot be more legitimately—aye, or more usefully occupied, than in guarding the purity of the sources from which it draws its own existence. But it may be asked what is there to distinguish the case of these Welsh farmers from other cases of electoral intimidation which have from time to time been brought before Election Committees of the House, or before the Judges appointed to try Election Petitions, but have never been made the subject of comment or animadversion in this House? Sir, I think my hon. Friend, in his admirable speech, has shown that the grievances which he has brought forward are not only exceptional from their gravity, but unique in their circumstances. I have often heard it said, and for aught I know it may be true, that in the districts of England which correspond to the districts of Wales to which my hon. Friend has referred—that is to say, the agricultural districts, cases of coercion by landlords are comparatively rare—and for a very good reason. There is no necessity for it. The tenant, as a general rule, has, or thinks he has, the same interests as his landlord, and his political leanings, if he has any, are the same also. Therefore, he is ready to follow without being forced. But when you cross the borders of Wales you are met by an entirely different state of things. The landlord is very often an Englishman—the tenant is almost always a Welshman—the landlord almost always speaks English—the tenant always speaks Welsh—the landlord almost always goes to church—the tenant almost always goes to chapel. When you add to this that there is in those districts in Wales no middle class, such as there is in England, to break the sharpness of the fall between the great landlord-proprietor and the poor tenant-farmer, you have enough, I think, to account for a certain divergence in sympathies and interest which exists to a greater extent in Wales than in England, between the class which owns the soil and the class which cultivates it. But I will not pause to inquire into causes, I will take things as I find them. Of this I am sure, that while nine out of ten of the Welsh landlords are Conservatives, ninety-nine out of 100 of the Welsh farmers are Liberals. Now, there was a time when, strange to say, this anomalous state of things was without any practical effect whatever; for the tenants had for ages been brought up in the belief, sedulously impressed on them from their earliest years, that their vote was a sort of fealty, or service, which the vassal owed to his lord, and they would as soon have thought of withholding it from him as of refusing to pay their rent. I, myself, when a boy, have seen the tenants on the large estates in Wales driven up to the polling-booth like sheep to the slaughter-house. Nobody even went through the formality of canvassing them. They were told to vote in a particular way, and they did it as a matter of course. But, Sir, a change has come over the spirit of our institutions. These poor Welsh farmers, like the rest of the world, have been "educated," and when at the last election they were called upon to support a cause which was unspeakably dear to them, when they were called upon to rally round a great principle and a great man, they were guilty of the unpardonable crime of daring to think and act for themselves. And then came the struggle. Now, I am bound to say that in many places the great landowners yielded gracefully, if not willingly. They "accepted the inevitable." It is my duty and my pleasure to state that in the county which I have the honour to represent (the county of Denbigh)—and I believe the same thing may be said of one or two other counties of Wales—there occurred, as far as I am aware, during and after the last election, no such abuse of territorial power as that of which my hon. Friend has complained. But, can this be said of Wales generally? So far from its being the case, I venture to affirm—and I am surrounded by Gentlemen who can contradict me if I am wrong—that in Carnarvonshire, in Merionethshire, in Cardiganshire, a large proportion of the Liberal voters, at one or both of the two last General Elections, walked up to the polling-booth with the prospect of ruin staring them in the face. Sir, there is a Petition on the records of this House which speaks volumes on this subject. It was presented three years ago by a body of tenant-farmers in Merionethshire. It prayed the House either to give them the ballot, or to disfranchise them altogether. And upon what ground did they rest this remarkable prayer? Why, upon this, that to place them in a dilemma where they must either sacrifice their consciences or their livelihood—to drive them to elect between their sense of duty and their daily bread—was a cruel mockery, and that a vote accompanied by so hard an alternative was a curse rather than a privilege. Well, that was how things stood in 1865. Have they got better? I say distinctly, that they have got worse. Let me read to the House a printed circular which the owner of one of the largest estates in Carnarvonshire—the Gwydir estates—thought fit to send by the hand of his agent to every one of his tenants on the eve of the last General Election. The gentleman to whom I allude is a nobleman, not unknown to fame—I find from *Dod's Parliamentary Companion* that he calls himself "the joint hereditary Great Chamberlain of England"—Lord Willoughby d' Eresby. On the 6th of November, 1868, the agent of this nobleman issued a printed circular to the tenants of the Gwydir estate. The original is in Welsh. I have it here, and if any hon. Gentleman thinks he can make anything of it, he is quite welcome to look at it. In the meantime I will read from a literal translation, to the fidelity of which I pledge myself—

> "Grimsthorpe, Bourne, 6th November, 1868.
>
> "Sir,—I understand that the Gwydir estate tenants have been strongly solicited to vote against Major Pennant at the coming Election, and that a private letter written by me to Capt. T. L. D. Jones-Parry has been distributed amongst them for the same purpose.
>
> "I feel it necessary to explain that Lord Willoughby d'Eresby is a Conservative, and gives all his support to Mr. Pennant; therefore he does not consider it right that you should allow yourself to be led by others to vote against the interest of the estate upon which you live and the wishes of his Lordship.—I am, Sir, your obedient servant,
>
> "R. A. WARREN."

Now, Sir, I am a very inexperienced Member of this House; but if this intimation, emanating as it purports to do from a Peer of the realm, is not a breach of the privilege of this House, I should much like to know what is. Well, I need hardly say that most of the tenants to whom the letter was addressed took the hint and voted for Mr Pennant. But some—to their credit be it said—were bold enough to record their votes for my hon. Friend who sits next to me (Captain Parry). Now, mark what followed. Last Lady Day, about a dozen or more notices to quit were served on some of the tenants of the Gwydir estate. The great majority of the persons on whom such notices were served had voted for my hon. Friend. No doubt, in two or three instances the tenants had voted the other way, and, of course, an explanation was ready. It was said that these notices were part of a great scheme for the re-letting of the estates. I do not care to enter into that explanation. I prefer to rest my case, not upon equivocal acts, which may or may not admit of explanation, but on the written letter, which admits of no explanation; and I cannot but think that the whole proceeding is a striking illustration of the argument of the old philosopher, who said that he was driven to believe in a future state, because in this world men are only held accountable for what they write, and not for what they say. Well, Sir, I will read another letter written by another landlord to my hon. Friend himself, also on the eve of the last General Election, which is certainly more unguarded than that which I have read, but not on that account less honest. It is a reply to an application by my hon. Friend for the vote of the writer. The letter is as follows:—

> "10th October, 1868.
>
> "Dear Captain Parry,—Entertaining a very strong opinion that Mr. Gladstone's measure with reference to the Irish Church is simply one of unwarranted spoliation, and but the commencement of an attack upon all property, and, furthermore, will not have the effect of pacifying Ireland, for the priests have plainly told us they will be satisfied with nothing less than a repeal of the Union, you must excuse me voting for you, as you declare yourself a follower of that gentleman; and any tenant of mine who votes in his support I shall consider as hostile to the interests of the country generally, and shall act accordingly."

Now, Sir, I do maintain that to speak of freedom and purity of election in the face of such letters is sheer nonsense. However, my hon. Friend took what, I cannot but think, was a very proper course. He wrote back to say—

> "As for your vote, you are, of course, at liberty to do with it as you please. But I shall make a point of watching your conduct towards your tenants, and if I find that they are made to suffer in any way for having voted for me, I shall act accordingly.'"

Sir, I need hardly say that this intimation had its desired effect, and that the excellent intentions of this gentleman were nipped in the bud. Well, Sir, I have given two instances. I might give twenty of the same sort of thing. Their name is legion. But I will not weary the House by repetition. I will confine myself to one more case, which is rather remarkable, because it shows how ingeniously this kind of oppression can be made to work, and what a length of arm and power of reach it possesses and commands. In one of the counties of North Wales there lives a freeholder, who, as he was the owner of his own farm, considered that he might enjoy the luxury of voting as he pleased, and accordingly announced his intention of voting for the Liberal candidate. But, unfortunately for him, he was a large dairy farmer, and was in the habit of churning his butter by water power, derived from a stream which ran at the foot of his farm. Now it so happened that this stream ran also through the property of a neighbouring landowner, who was a Conservative, and who had certain dominant rights over the stream. When the farmer was pressed by his powerful neighbour to vote for the Tory, he pointed with pride to his freehold, believed himself safe, and voted for the Liberal candidate. But he calculated without his host. They could not take away his land; but they could and did divert his water. But I am happy to tell the House that my friend was a man of resources, for like the hero in the ballad of "Chevy Chase"—

> "When his legs were smitten off,
> "He fought upon his stumps."

He defied the landowners. He took down his useless water wheel, and he churned his butter by hand. Now, Sir, I do not think there is any one in this House, or out of it, who can deny that these practices have prevailed, and if they cannot be denied, I do trust they will not be defended. It is very possible that, as my hon. Friend intimated, we may be met by what we used to call at school the *tu quoque* argument. It may be said that if there was intimidation on one side, there was intimidation, though of a different kind, on the other. Now, Sir, I am not here to defend any kind of intimidation. I dislike it, from whatever quarter it may come, and whatever garb it may assume. But I maintain that my hon. Friend has torn this accusation as to the chapel screw to shreds, for it is childish to compare the influence exercised by these poor Dissenting preachers, who are entirely dependent upon their flock for support—and do not own fifty acres of land among them—with the enormous power wielded by the Welsh territorial aristocracy. At the most it is a case of moral influence against brute force. Whether it be good taste to make the pulpit a platform for the discussion of political questions is a matter upon which different men may have different opinions. But if we come to that—were the pulpits of the Church of England silent during the last election? Why, when the right hon. Gentleman (Mr. Gladstone) went down to canvass South Lancashire he was preached at in half the churches in the county. ["No, no!"] Hon. Gentlemen cry "No, no!" but I am speaking of what I myself have heard and seen. I remember one clergyman who drew an elaborate comparison between the right hon. Gentleman and a variety of Scriptural characters, of whom the only one that can be mentioned in decent society is Judas Iscariot. But then it may be said—Why do not you prosecute these men before the ordinary legal tribunals? Now, I need hardly point out that that would be a very invidious task, and one which few, particularly in the case of a neighbour or friend, would be heroic enough to undertake. Besides, there is another difficulty. These gentlemen have good legal advisers at their back, and so generally manage to keep on the "windy side of the law;" and the best proof of this is that, though there have been several cases of prosecution for intimidation, there has been no case, or scarcely any case, where a conviction has been obtained. The fact is that in a criminal charge it is necessary to prove strictly the improper intention in each particular case; and I need hardly point out that this may be very difficult when, as in a court of law, you are confined to the single case in hand, whereas it may be very easy if you are allowed to look, as we are here, to other cases. In fact, it is the old story of the bundle of sticks—take each case singly and you can break it to pieces—take them together, and the inference is irresistible. Well, but I suppose we shall be told—as we have been told for the last twenty years—that "there is a good time coming;" that the time is at hand when public opinion will decide these things for itself, and when no landlord will venture to resist its powerful influence. Sir, we have waited for that time—we have waited patiently—and we have waited long; but it seems to me that we are very much in the position of the man in the fable, who waited until the running stream should have run itself out—

> "Rusticus expectat dum defluat amnis, at ille
> Labitur et labetur in omne volubilis œvum."

No, Sir, there is one remedy, and one remedy only for this state of things, and that is the Ballot; and I am proud to think that there is not a single Liberal Member in the House who represents the Principality of Wales who does not share in that opinion. Since I have sat in this House no more welcome intimation has reached my ears than the authoritative statement of my right hon. Friend the Secretary of State for the Home Department, made some months ago, that he was, if not actually a convert, in a fair way of becoming a convert to that measure; and if the sole result of this discussion be to assist in the process of that conversion it will not have been without its fruits. But while things remain as they are, do not at least refuse us that sympathy and support without which our condition would be simply intolerable. I have shown that there is one tribunal, and one tribunal only, to which we can appeal for protection, and that tribunal is the House of Commons. To that tribunal we confidently appeal, and we ask this House, in the exercise of its highest and most cherished functions, emphatically to condemn these unconstitutional—these cowardly practices; and to stamp them with the reprobation—I had almost said with the infamy—which they deserve. And now, Sir, I have only to thank the House, not in my own name only, but in the name of the poor men whose cause I have undertaken to plead, for the patient and indulgent hearing which it has given to their grievances; and I trust the day will never come when an elector, however poor and humble he may be, appealing to this House for protection in the exercise of his constitutional functions, will make that appeal in vain.

Motion made, and Question proposed,

"That, in the opinion of this House, the proceedings of certain landlords in Wales towards their tenants on account of the free exercise of the Franchise at Elections are oppressive and unconstitutional, and an infringement of the rights conferred by Parliament on the people of this country."—(*Mr. Henry Richard.*)

Mr. LEATHAM said, he thought that his hon. Friend had performed an important public service in calling the attention of the House to what was taking place in Wales. For, at a moment when we were assured by writers of great eminence that intimidation was rapidly becoming extinct, and were urged on that account to refrain from insisting upon the only feasible remedy, facts like those adduced by his hon. Friend, which were wholly subversive of these comfortable premises, were a very valuable contribution to the discussion. He hoped, therefore, that the House would not consider that he was trespassing unduly upon their attention if he attempted to supplement the statements of his hon. Friend by others which had been brought to his special notice, and which would serve, he thought, to extend the area of Welsh intimidation beyond the limits within which his hon. Friend had shown it to exist. The observations of his hon. Friends had been confined almost entirely to instances of intimidation which they alleged to have occurred in the southern portion of the Principality. The instances to which he was about to refer would render, he feared, the other extremity of the Principality almost equally obnoxious to the suspicion that freedom of election had been seriously interfered with there. He held in his hand a letter which he had received from the Rev. Michael Daniel Jones, principal of the Independent College at Bala, in Merionethshire. He said—

"I have spent most of my life in Bala and its vicinity. In Merionethshire the land is divided chiefly into large estates, and there are two leading landlords in the county. One landlord has about 150 tenant-farmers under his control, more or less; and the other about 160, more or less. The farms vary in size from forty to sixty or 100 acres. Nine-tenths of the farmers are Dissenters and Liberals. From personal conversation with most of them, I know them to be Liberals from conviction. In the election of 1859 five tenants on the lesser estate voted with the Liberal candidate and were all ejected. Nine were neutral, and their rents were raised in every instance. I went into these cases of evictions personally with the tenants. On the other estate, out of thirty-five on the register, eleven only voted with the Tory candidates. Seven tenants who were neutral were singled out and had notice to quit—most of them were leading men in the chapels—and their farms were let chiefly to Church people. The farmers look at an election with dread in consequence of this terrorism. In the election of 1865 all the tenants on the two estates, with the exception of one, voted with the Tory candidate, and this turned the election."

Sir, I had no intention of mentioning any names; but, as I see the hon. Baronet the Member for Denbighshire in his place, and as I am told that one of these estates belongs to him, perhaps he will tell us if there is any inaccuracy in this statement. Now, Sir, grievous as this intimidation was, and grievous as were its consequences, there was something which was more deplorable still, and that was the perfect moral obtuseness of those who exercised it. It never seemed to occur to one of those gentlemen that in giving these notices he was committing a crime against the State. It never seemed to occur to him that there was anything mean and dastardly in forcing the conscience of a man who was his political equal in the eye of the law, and who had duties to perform as sacred and imperative as any which his own conscience imposed upon him. To illustrate what he meant let him quote a case which occurred the other day, not in Wales, but in Scotland. One of the best and largest tenant-farmers in Scotland, a man who farmed 3,000 acres of arable land, as well as pasture, and who paid his various landlords £5,000 a year, received notice that his lease, which was about to expire in a year or two, would not be renewed. The notice was given immediately after the last election. The agent declares that the landlord specially instructed him to give no reasons for the notice. The tenant states that the agent exceeded his instructions, and told him that the notice was given in consequence of his vote; but in order to clear up any doubt upon this point, the landlord, who is a noble Marquess, has written to the papers a letter, from which he would, with the permission of the House, make a short extract—

> "It is perfectly true," he writes, "that I had many reasons for not letting the farm of Timpoendean to Mr. Scott, but I should consider myself acting unfairly if I did not say at once that among them was the vote he gave at the election, nor do I see why I should not make this admission."

Observe the exquisite *naïveté* of these last words! Now, he had no doubt that the Marquess of Lothian was an excellent and amiable man. He had no doubt that these Welsh landlords were excellent and amiable men. But the point to which he wished to draw the attention of the House was this—that men who were deservedly respected in all the other relations of life, men whom no one would accuse of general moral insensibility, were afflicted with a special alienation of conscience, an aberration or blindness of the moral sense, when they came to deal with the political rights of those whom the accident of territorial supremacy had placed within their power. And so it was that without, so far as he could see, one pang of remorse—nay, even with the smile of an approving conscience, as though the act were meritorious in itself—they consigned men, whose only offence was that they had dared to believe that they were free—men whose families had been centuries upon the estate, and who, in a part of the country where tenant-right does not exist, had spent their all upon the farm—they consigned these men to poverty with the same placid confidence in their own rectitude with which at petty sessions they consigned the poacher or any other offender against the law of God and man to gaol. We had abolished the feudal system in this country; but at no period, not even when the grip of feudalism was strongest, did it demand service at the hands of a vassal for his superior with a purpose more inexorable or a practice less merciful than those with which the tradition representing feudalism demanded political service now. And yet, although we were all aware of this, and although we were all ready to acknowledge that the vote was the voter's, and not the landlord's—that it was a strictly public, and not in any sense a private trust—we left the vote naked, absolutely at the mercy of the landlord; and upon what plea? That the public might see with their own eyes that the vote was given, not to the landlord, but to itself. See how our anxiety defeated itself. The vote was carried off under our eyes; it was carried off because it was left naked; and so long as it was left naked it would be carried off, because the lesson which our naked voting necessarily taught in a country where large classes of voters were in a state of dependence upon others was that the vote belonged, not to the voter, but to those whom they insisted should be present when the vote was given, and who had both the power and the will to claim it. And it was this power of claiming the vote and enforcing the claim which prevented the base tradition of political servitude from dying out. From one end of the Principality to the other this tradition was kept alive by occurrences like those to which they were calling attention to-night. And do not let the House be led away by the assertion that these notices were in the majority of instances a mere *brutum fulmen;* that only a small proportion of them would eventually be carried into effect. If you issued a hundred notices, as was done in Cardiganshire, it was not at all necessary, in order to produce a great moral effect, that you should proceed to eject every tenant whom you had served. An example here and there was quite enough to strike terror into all.

> "The Emperor at Hayti," said Sydney Smith, "boasted that he had only cut off the heads of a couple of persons for disagreeable behaviour at his table. In spite of the paucity of visitors executed, the example was found to have operated as a considerable impediment to conversation."

Precisely in the same way, the spectacle of the ruin of a couple of tenants overawed a whole country, insured a fictitious unanimity, and paralyzed the public voice. Now, he was one of those who thought this was a great evil, and he rejoiced that his hon. Friend should have called the attention of the House and, through the House, of the country to the intimidation in Wales, not only because he could not but believe that when the eye of the nation was turned in displeasure upon these acts, those who perpetrated them might feel at least a spurious kind of shame; but because, believing, as he did, that there was only one remedy for this kind of intimidation, he was convinced that when these and other kindred facts were before the public, whatever might be the course pursued by that House, or whatever may be the remedy of the Government, there was no power, either in the House or in the Government, which could arrest for a single Session the irresistible conviction to which the nation must come.

Mr. SCOURFIELD said, he wished to offer a few remarks on the question before the House; because, as he had been returned for a Welsh county (Pembrokeshire) at the last election without any opposition, he could approach the subject without any irritating recollections. He had been in Parliament for many years, and for many years had taken part in contested elections; and he found that the same feeling prevailed at the end of every one of them—namely, that those who voted on our own side acted from pure conviction, while those who voted against us were influenced by intimidation. With regard to the Principality, it was extremely satisfactory to learn that, though the influence of the landlords was so perniciously exercised, still the country possessed such an exceptional state of morality that when the Judges went down there they found an almost complete absence of crime. But he had remarked that at the end of every General Election a most active trade in martyrdom was going on. Persons who suffered attributed to persecution what had arisen from the ordinary transactions of life. He had heard of a person who was charged with having sent 200 notices to his tenants, in consequence of the way they had voted; but on inquiry it turned out that only sixteen had been served, and they were altogether unconnected with elections. In all these transactions there was the greatest publicity, and that was the best security against undue influence being exerted. It was very easy to say that these evictions were the result of political motives; but a good tenant was too valuable to be lightly parted with, and, moreover, a change of tenancy was very expensive to the landlord. He must remark that it was rather an unusual thing for an hon. Member to move a Resolution and attack several gentlemen by name without having given them the slightest notice beforehand. There was a Committee sitting above stairs, and if these cases were worth being brought forward why were they not brought before that Committee? ["They were."] Well, then, what was the necessity for bringing them before the House now? The names of gentlemen were published, and a great amount of odium was incurred, which the persons who suffered from it had no opportunity of wiping away. Was the House to have its time taken up by such proceedings? If so, it was contrary to the usual practice. There were many screws more powerful than evictions, because they could be put in force secretly; and the most effectual was that which took the form of money; persons were not only afraid that the debt would be claimed, but also that it should be known that they were in debt. That was a much more powerful screw to put on a man. With respect to what had been said about the Church, he would only observe that the sacred edifices had never been, and could not be used for political purposes; and, as far as his own experience went, the sermons from the pulpits of the Established Church in Wales had been remarkably free from reference to politics. It must be remembered that all these voters were free men; their votes were in their own power. The House must not be misled by mere metaphorical expressions, such as "electors being driven to the poll." Taken literally, the thing was impossible; how could they be driven, unless it was in hackney coaches? Was a tenant who owed money to be kept on a farm simply because he had voted against the landlord, and some persons might attribute wrong motives to the landlord if the tenant received notice to quit? The alleged number of notices in one county was forty-six, and in the other twenty-six; but the whole body of voters numbered some thousands. In the ordinary course of things a certain number of notices would be given; so that, even if they accepted the version of the hon. Gentleman opposite, the actual extent of the intimidation was very limited. He supposed that, as the hon. Gentleman had discharged his conscience by bringing forward this Motion, he would not deem it necessary to press it to a division.

SIR WATKIN WYNN said, that he desired to make a brief personal explanation. The hon. Member opposite (Mr. G. O. Morgan) had admitted that at the last election nothing objectionable had been attempted upon his (Sir Watkin Wynn's) tenants in Denbighshire. But the hon. Member for Wakefield (Mr. Leatham) had referred to something that took place, in Merionethshire, ten years ago. Now, his agent who managed all his affairs at that time was dead; but Mr. Michael Jones, his agent at the last election, had appeared before the Committee now sitting, and had given an explanation of the affair which, he believed, the Committee considered to be satisfactory. As the revival of this matter had taken him by surprise, he had had no opportunity of refreshing his memory, and was therefore unable, at the present moment, to enter more fully into details.

MR. RICHARDS said, that the facts which had been mentioned by the hon. Mover of the Resolution, were brought before the Committee in the presence of gentlemen connected with Cardiganshire and Carmarthenshire, who, if it had been possible, would have answered them. He believed that the attempt had been made; but it had utterly failed.

SIR STAFFORD NORTHCOTE said, he wished to know whether the hon. Member was in Order in referring to the proceedings of a Committee now sitting?

MR. SPEAKER said, the hon. Member was not in Order in making the remarks he had.

MR. RICHARDS said, he trusted the short time during which he had been honoured with a seat in the House would be a sufficient apology for his transgression of its rules, but if further excuse were wanting it could be found in the example set him by the hon. Baronet the Member for Denbighshire (Sir W. Wynn), whose offence was aggravated by the circumstance of long experience. It would have been well if the right hon. Baronet (Sir Stafford Northcote) had called that hon. Member to Order; the fact that he sat on the same side of the House with him was no excuse for not doing so. He could confirm the statement of the hon. Member for Merthyr (Mr. Richard) that the notices in question were not served on the tenants in consequence of their being in arrear with their rent, but for political reasons. He might explain the cause of meetings having been held in places of worship during the contest in Cardiganshire. In two cases in the county in which halls could be had for public meetings, permission to use them for that purpose was positively refused by the authorities; the population was scattered, little accommodation of any kind was at command for the holding of meetings, and in some cases in which the only room to be had, the school-room, was found too small, an adjournment to the chapel was resolved on; but in no case had chapels been used in Cardiganshire for election meetings except from necessity. Englishmen prided themselves on the administration of public justice in their country; but what could be said of terrorism in election contests being exercised not only by agents but by magistrates as such? He held in his hand an attested document, certifying that Mr. Bonsall, a magistrate, had canvassed a voter of Cardiganshire, named John James, in behalf of the Conservative candidate, and when he said he had promised to vote for Mr.

Richards, told him it would be better for him to vote for Mr. Vaughan, because he would be sure to find himself some day at petty sessions. It was all very well for the hon. Member for Pembrokeshire to deprecate bringing such matters before the House, but what other or more constitutional means were at command for making them public? He believed, indeed, the discussion would have a good effect, and do much to discourage terrorism in Wales.

Colonel STEPNEY said, that as a Welsh representative, he must bear testimony to the accuracy of the statements made with respect to what took place in Carmarthenshire during the late General Election. He hoped that a state of things most damaging to the Principality would soon be remedied by the introduction of the Ballot, or some other means of protecting the electors against the tyranny of landlords.

Mr. C. WYNN said, that as he had been twice elected for Montgomeryshire without opposition, he conceived he had a right to complain on behalf of the Welsh Conservative Members of the manner in which this question has been brought forward. When grave personal charges were to be brought against Members, it it was usual, it was courteous, and it was only just, to furnish them with a sort of catalogue of the charges they were expected to answer. The hon. Members for Merthyr and Denbighshire (Mr. Richard, and Mr. G. O. Morgan) had not condescended to do that. Grave charges had been brought against landlords, who, by the fortune of war, had no one in the House to speak for them; but if they had received fair notice they would, no doubt, have supplied some Welsh Conservative Members with information bearing on the charges made. It had been asked what was to become of the Liberal cause if these practices were to obtain; his answer was that if the Liberal cause could be maintained only by such methods as this it had better be given up. He did not undervalue the great claims which the Liberal cause had upon the country at large; but by such unworthy methods as this it would be neither advanced nor maintained. It had been remarked how singularly peaceful and free from assault, even under the greatest provocation, these Welshmen were. As the man of peace revenged himself on his adversary by saying to the crowd—"Don't nail his ears to the pump; don't duck him," so the expressions used now would be treasured up by an excitable people, and remembered at any future election, and upon the hon. Member for Merthyr (Mr. Richard) would rest the responsibility. He believed that bare justice had been done by the statement that not a case of violence occurred at a Welsh borough or county election. It was said that nine out of ten of the Welsh landlords were Conservative Churchmen, and that the tenantry were nearly in the same proportion Liberal Nonconformists. He believed these were exaggerations, but if they were not the hon. Member for Merthyr was only putting into the hands of Welsh landlords a weapon they were too just and wise to use. But a landlord might go to his tenant and say—"My friend, we are told by authority which you recognize that our interests are antagonistic. Now, I am not turning you out for any expression of opinion at the last election; I am not turning you out for your religion; but it appears to me it is monstrous, after what has been said, that I should put weapons into the hands of my enemies; and it is obviously better for me that my farm should be in the hands of some one whose interests are identical with my own." ["Oh, oh!"] He did not say he should approve of that course; but he said it might arise from the hon. Gentleman's language. It might be that before long the country would have the Ballot. What would be the consequence? If Churchmen were invariably and consistently Conservative, surely the obvious course for any Conservative landlord was to let his farms to none but Churchmen. It was not for him to say whether the hon. Member for Merthyr was doing his friends a service by putting the issue in this way, and it was doubtful whether the hon. Member would do any good to the Liberal cause. He would say to the hon. Members opposite, or rather those who had supplied them with information that he believed in their decalogue as well as in other people's there was a ninth commandment.

Sir THOMAS LLOYD said, he was one of the four Whig landlords of Cardiganshire; but he had told his own tenants who wished to support the Tory candidates that they were perfectly at liberty to vote as they pleased. The same thing had taken place on his Carmarthenshire property. Considerable difference of opinion existed as to the rights of the landlord. Some of his friends said the vote belonged to the landlord, and that the tenant was only an incident in the matter. But he objected to that doctrine; first, because it was unconstitutional; and secondly, because it was inimical to the interests of the order to which he belonged. A landlord who compelled his tenant to vote contrary to his own wishes made himself a party to the violation of the law, which declared that the vote should be given unconditionally. He thought that the conduct complained of was very impolitic indeed. It was probable that the roaring tide of Liberalism was about to sweep over the country; and it seemed to him that it was only by bringing the different classes of society more closely together, and by each exercising mutual forbearance and kindness towards the others, that the changes, permanent, and not temporary in their character, that were now being effected could be made to work advantageously for the common benefit. Many of the people of Wales dreaded the coming 29th of September; but this debate would not have been in vain if it resulted in the restoration of a more cordial relationship between the landlord and tenant in that part of the country. If landlord united with tenant, and manufacturer with artizan, they need not fear that the landlord and manufacturer would lack their legitimate influence.

MR. BRUCE said, that when his hon. Friend (Mr. Richard) first placed the Notice of his Motion upon the Paper, he thought it was a premature one, considering that there was, at this moment, a Select Committee employed upstairs in the consideration of proceedings at elections; but he felt bound to acknowledge, after having heard the powerful speech of his hon. Friend, and having listened to the painful nature of the facts he had adduced, that his hon. Friend, in his desire to further the interests of those whom he desired to serve, and to vindicate the position and character of those with whom he had long lived in terms of intimate friendship, could scarcely have done otherwise than bring these cases of hardship before the House. His hon. Friend had undertaken to prove, and he believed had proved, that the Welsh farmers who, perhaps, of all others, were the most kindly disposed towards their landlords, a warm-hearted people, who, as he knew from experience, had never, except with extreme regret, found themselves opposed to their landlords, had been not only subjected, because they had acted as they believed to be right—to injury and loss, but that this had been done in the most open manner, and in the most flagrant violation of all that was considered fair, just, and honourable between man and man. The hon. Member for Pembrokeshire (Mr. Scourfield), with his usual ingenuity, had endeavoured to cast his shield over the landlords. No doubt many of the injuries anticipated by voters were anticipated without cause; but his hon. Friend had quoted letters and given names and circumstances in a manner that went far to prove the accuracy of his statements; and he could not, therefore join with those who censured his hon. Friend for not giving a notice which, in fact, it was impossible for him to give. His hon. Friend would, no doubt, have given due notice had he made an attack upon any Member of that House, but he had made no such attack. And, further, he had simply laid before the House facts that had already at different times appeared in the newspapers in Wales, and the answer to which could have been easily given if they admitted of any reply. He (Mr. Bruce) had no doubt that the accusing conscience of every landlord who had been guilty of these actions had told him since the Notice appeared, that he was the party whose conduct would be brought before the House; and any landlord whose conduct had already been publicly condemned might, if he had pleased, have communicated the facts of the case to any Member of his party in that House, and thus have presented any explanation in his power. He thought that the hon. Member had done nothing less than his duty in bringing forward the subject; and if no defence had been attempted, he believed it was simply because such conduct was indefensible. His hon. Friend had, however, not given notice of the terms of his Motion, and, under those circumstances, he trusted that his hon. Friend, who had gained such just distinction by the powerful and remarkable speech he had made, would not be inclined to gain what might seem an unfair advantage by pressing his Motion, but that he would be satisfied with the result he had already obtained.

Mr. O'REILLY-DEASE said, that some years ago he stood a contest for a county in Wales having a constituency of 5,000, and he really believed that 2,000 of them would have voted for a broomstick had it been recommended, by the landlords. He was of opinion that the remedy for the state of things which had been the subject of complaint that evening was a just and equitable land law protecting the interests of the tenant-farmer, and granting him that security for his property which was now accorded to the landlord. If such a remedy were provided, he believed that the Ballot would be totally unnecessary. He would give the Motion his hearty support if it were pressed to a division.

Colonel CORBETT said, he would be the last person to justify the putting of pressure upon any voter; but he thought it would have been more in accordance with fair dealing between man and man to defer bringing this subject forward until the Committee up-stairs had reported. He presumed there must be some reason for not waiting until the Committee had made their Report. An old adage stated that if you threw plenty of mud some of it would be sure to stick. Perhaps it was intended in this case that some mud should stick pending the inquiry by the Committee. It would appear as if there must be some other feeling besides a political one in the Welsh Elections, or why should the present Member for Merthyr (Mr. Richard) have been preferred to the right hon. Gentleman the Secretary of State for the Home Department, who was quite as advanced a Liberal as that hon. Gentleman? The expressions about the same measure being meted out to certain persons as the measure which they themselves meted out might have had reference to the attack made on the Irish Church. It had been said that Liberalism was passing through Wales like a roaring tide. When he heard that expression it reminded him of another kind of roaring—of "a ramping and a roaring lion walking about, seeking whom he might devour." Spiritual terrorism had, in many cases, been exercised towards the voters. He had heard reports, on what he believed to be good authority, of very strong denunciations by the ministers of different sects in the Principality. As soon as a landlord gave notice to quit he had done his worst—he could do no more; but the case was different with ministers, who told the members of their congregation they would endanger their salvation if they did not vote in a particular way. Nor was that the only coercion that had been employed. He would mention one fact which had been brought under his notice. A small tradesman in a certain town in Merionethshire had a mortgage on his little property, and a man of some importance on the other side told him that if he did not vote in a certain way the mortgage would be called up. Again, he said that he had no wish to encourage oppression or undue influence, but there ought to be no hypocrisy in these matters, and those who lived in glass houses should not throw stones.

Mr. WHALLEY said, he thought the hon. Member for Merthyr (Mr. Richard) had done good service by bringing this subject forward. A good reason for not deferring it till the Committee had reported was this—that the scope of the Committee's inquiry was a general one, extending to the whole country; while the case of Wales was peculiar to the Principality. Long ago the pressure brought to bear upon voters in boroughs of Montgomeryshire was so intolerable that in 1852 a Petition was presented, embodying substantially the statements which had been brought forward on the present occasion. The petitioners complained of habitual and systematic terrorism, and stated that it would be a relief to the people of those boroughs to be deprived of the franchise.

Viscount SANDON said, he wished to say a few words on this subject, on which he was very sensitive, because he held a double position, as one connected with land, and as representative of a large commercial constituency (Liverpool). When it was seen that not a single county election had been vitiated for corruption or intimidation, he thought that hon. Gentlemen opposite ought to do justice to the landed interest in this respect. He was anxious that there should be no stain either upon town or county, but the great cause of electoral purity was not advanced by these partizan attacks upon either. This was an attack upon the country, and he heard with some regret the Secretary of State for the Home Department speak as though the statements made by those sitting behind him were established facts. Now these statements had not been sifted by any competent tribunal. All the complaints of coercion which he (Viscount Sandon) had heard of in Staffordshire were made against the Liberal party, but he had always doubted the truth of these statements because they had not been sifted; and the House had a right to demand that a Minister of the Crown should not admit as true charges, which were first made in the columns of a newspaper and then repeated from the Benches behind him.

MR. RICHARD said, after the appeal made to him by the Secretary of State for the Home Department, he should not press his Motion to a division, but he wished to correct one or two misapprehensions. He had not made, or intended to make, an attack upon any hon. Member of the House. It had been complained that the Notice he had given had not been sufficiently long. Now, he put his Notice on the Paper some six or seven weeks ago, and he had, from time to time, postponed it for the purpose of enabling hon. Gentlemen opposite to make inquiries and prepare themselves to rebut the charges. One of his reasons for not dividing was that he did not desire to identify hon. Members opposite with the doings he had described. He was sorry that to a great extent they had done this of their own accord.

Motion, by leave, *withdrawn.*

## INDIA—EAST INDIA (HOME ACCOUNTS).

### MOTION FOR PAPERS.

SIR STAFFORD NORTHCOTE moved that the Home Accounts of the Government of India be referred to the Committee of Public Accounts.

MR. GRANT DUFF said, that far from objecting to his right hon. Friend's Motion he was most happy to accede to it. It did not, under all the circumstances, seem quite proper that they should take the initiative in again this year referring these accounts to a Committee upstairs; but there was no reason in the world why they should not be so referred, if one so able to form a sound opinion as his right hon. Friend thought fit to propose that they should be.

Motion *agreed to.*

Home Accounts of the Government of India [presented 10th May], referred to the Committee of Public Accounts.—(*Sir Stafford Northcote.*)

## COVENTRY ELECTION.

### MOTION FOR A SELECT COMMITTEE.

MR. BOUVERIE said, he rose to call attention to the statements contained in a Petition [presented 10th June], touching the recent inquiry into the last Election for the City of Coventry. He had no desire to enter into the merits of the trial of the Election Petition, or to throw any doubt upon the decision of the learned Judge. The point he wished to submit was of a totally different character. He would contend that by its rules this House was bound to see that justice was not evaded in Election Inquiries before Judges by the witnesses being tampered with or conveyed away from the place of examination. At the beginning of the present Session certain Resolutions were passed, the effect of which was that, if it should appear that any person had been elected or endeavoured to procure his election by bribery or other improper practices, this House would proceed with the utmost severity against all persons wilfully concerned in such bribery or corrupt practices; and if it appeared that any person had been tampering with witnesses in respect of the evidence to be given to this House, it should be accounted a high crime and misdemeanour, and this House would proceed with the utmost severity against the offender. Now, the Judge in an Election Inquiry was an officer of the House. He reported his finding to the House, and the evidence taken by him during the inquiry was laid on the table of the House. This Standing Order, therefore, entailed upon the House the necessity of vindicating its own law and privileges, if they had been infringed by any tampering with witnesses. It appeared before the trial that a portion of the case against the sitting Members for Coventry arose from certain alleged payments for travelling expenses, and if these sums could be proved to be paid by agents of the sitting Members, those payments would have been corrupt payments under the Act and the Members would have been unseated. Two witnesses swore that they had received payments of money for coming from a distance to vote for the sitting Members, and that these payments had been made to them by a person named John Moore. The question was, was he the agent of the sitting Members? But at the inquiry before the Judge John Moore was not to be found. It was felt on the part of sitting Members that unless he were somehow accounted for there would be a presumption against them. Therefore, when they had to open their case in defence, they produced two witnesses, who swore that John Moore had had nothing to do with the election, and was in no way connected with the sitting Members. A Mr. Seymour, who was admittedly the attorney for the sitting Members, swore distinctly that he knew nothing about Moore, and that the sitting Members could be in no way responsible for his actions. Another man, named William Dickenson, also swore that Moore took no part in the election. This was what Dickenson, who was the manager of a certain ward in Coventry, and who was admitted by the sitting Members to be an agent of theirs, said. He was asked by the counsel for the sitting Members, "Do you know anything of a man of the name of Moore?" His reply was, "I know him." "Had he anything to do with the election?" Dickenson answered, "Not to my knowledge." "Did you give him any directions or authority of any sort?" "No," replied Dickenson. In point of fact, therefore, Dickenson repudiated all connection with Moore in regard to the election. But what was the real truth? He was informed and prepared to prove that this very man had been hand in glove with Dickenson, who constantly employed him during the election in making payments to voters. Three days before the Election Inquiry commenced he induced Moore to go to a village some miles away from Coventry. Afterwards he brought him back again to Coventry one evening during the very time the Election Inquiry was pending, and took him to an inn, where, according to Moore's statement, he had personal communication with the professional agent of the sitting Members. After remaining a short time in the public-house Moore was conveyed to Nuneaton, where he was kept close until the Election Inquiry had terminated, and Dickenson visited him during his concealment. If Moore had been produced during that inquiry it is probable that the judgment pronounced by Mr. Justice Willes would have been different from what it actually was. Judgment was given in favour of the sitting Members, and that, of course, was a matter which could not be re-tried. What, however, was the House to do in a case like the present? It had passed Resolutions to the effect that it was a high crime and misdemeanour to hinder any witness from giving evidence before the House or a Committee thereof. Was this to be regarded as a mere *brutum fulmen?* If the House was not prepared upon proof of such facts as he had stated to vindicate their own law by punishing those who had contravened it, it would be far better to repeal the Order in question. He apprehended, however, that the proper course would be to ascertain the facts, and, on their being clearly established, to punish the man proved to be offending either by Order of the House, or by instructing the Attorney General to prosecute him in due course of law. The petitioners had, in his opinion, a right to demand of the House that it should vindicate its own character by instituting an inquiry into the alleged facts. In conclusion, he begged to move for the appointment of a Select Committee.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the allegations of the Petition of Charles Flint and others [presented 10th June], respecting the late inquiry into the Election of Members for the City of Coventry, and to report their opinion as to what proceedings, if any, should be taken thereon."—(*Mr. Bouverie.*)

MR. GATHORNE HARDY said, that when he saw the Notice placed on the Paper by his right hon. Friend (Mr. Bouverie) he carefully read the Petition, and he confessed he was greatly puzzled, as it was almost impossible to make anything of it in consequence of all the names being left out or indicated by asterisks. He took the trouble, however, to read all the Papers on the subject, and he did not dispute in the main the accuracy of the statement just made to the House by his right hon. Friend. Two witnesses, it appeared, swore that Moore had in one case promised and in another case paid £2 10*s*. to a voter for travelling expenses from London and back. But, on the other hand, it appeared that Moore was in Coventry up to the eve of the election, that he was well known to everybody, that he was not subpœnaed, and that his name was not upon the list of agents which was submitted by the petitioners to the

Judge. Indeed, it did not appear that they made any search for him. [MR. BOUVERIE: They endeavoured to subpœna him.] He did not know how that might be, but there was, at all events, no evidence on the face of the documents to show that they tried to subpœna him at all. At the inquiry the counsel for the petitioners made no effort to cross-examine Dickenson as to his acquaintance with Moore, neither was anything done by either party to secure the attendance of Moore. Now, whatever course was adopted in reference to this Petition, it was quite clear that no step could be taken which would affect the seats of the sitting Members. The House was, therefore, asked to do what it might be called upon to do in every case of bribery from which an important witness happened to be absent. If the House acceded to the prayer of the Petition, it would simply involve itself in inquiries which it was supposed it would have nothing further to do with after these questions had been transferred to the Judges. Supposing it to be true that the agents of the sitting Members had conspired to remove Moore from Coventry they might be indicted for conspiracy; and, on the other hand, if it were true that William Dickenson made false statements he might be indicted for perjury. It would not, however, be expedient to call these persons before a Committee of that House, there to give evidence not upon oath respecting what had occurred, in order that that evidence might be used if a charge were subsequently brought against any of them. Every lawyer would say that that would be a most unjust and unfair proceeding, because witnesses before a Committee might be subjected to greater pressure than could be put upon them in a court of justice. It might indeed be said that the witnesses would not be bound to criminate themselves, but supposing they were to hold their tongues altogether, what an absurd and ridiculous position the Committee would be placed in. In that event the Committee would elicit nothing except the statement of a man who, it appeared from his own account, had been a briber on behalf of some agents of the sitting Members, who had gone out of the way in order not to be examined, and who had now placed himself at the disposal of certain other parties in order to give evidence in their behalf. He was in no way vindicating the conduct of a person who withdrew a witness from an inquiry; but he was decidedly of opinion that the House ought not to interfere in a case of this description, as it had transferred its jurisdiction in these matters to a judicial tribunal. An indictment might be preferred either for conspiracy or perjury, and in his opinion one of these courses would be the proper one to adopt.

MR. DENMAN said, there was much force in the observations of the right hon. Gentleman (Mr. Gathorne Hardy), but he did not think they entirely disposed of the Motion. The right hon. Gentleman's observations showed that since the Act of last Session the House had less power than it had before to deal with individuals who were charged with such a gross case as the present of tampering with witnesses. Formerly no lapse of time would have prevented the House from bringing an individual guilty of such offences before the Bar of the House, and of punishing him severely. But the power of the new courts ceased with their sittings, and there was no further power to deal with offenders. He thought, therefore, his right hon. Friend had hit a blot in the new legislation, and when the question came again before the House, as it soon must, he hoped this defect would be remedied.

MR. BOUVERIE, in reply, said, the offence in question was a distinct offence against that House; and if no notice was to be taken of such offences, the House had better repeal its Sessional Orders, which would in future be a mere dead letter.

Question put, and *negatived.*

## POOR LAW (REMOVAL OF CHILDREN).

### RESOLUTION.

MR. T. CHAMBERS rose, according to Notice, to call attention to the recent Correspondence between the Poor Law Board and the Guardians of the Poor of the parish of Marylebone; and to move—

> "That in any case where a Board of Guardians of any parish or union shall have made due provision within the workhouse or district school for the instruction in their own faith of children not of the Established Church, their religious rights being amply secured and the spirit of the law

effectually carried out, it is inexpedient that the Poor Law Board should exercise its discretionary power to enforce the removal of such children to schools not under the control of the Guardians or of the parish authorities."

The hon. and learned Member traced the course of the controversy which had arisen in that case, from which it appeared that a Roman Catholic priest had applied to the Guardians for facilities for giving religious instruction at regular stated times to certain Roman Catholic children under the care of the parochial authorities. Those children were at the schools at Southall connected with the parish of St. Marylebone, and almost everything that the Roman Catholic priest (the Rev. Mr. Wincott) had claimed in the matter had been granted. He was allowed free access to the children to instruct them, and the children were also regularly taken to a Roman Catholic place of worship on Sundays and on days of obligation; and he believed the priest was perfectly satisfied. Notwithstanding that, the removal of the children from the school at Southall to a certified Roman Catholic school at North Hyde was demanded; and the Guardians held that there was no reason for such removal, and that such a proceeding would be inexpedient. The Guardians had an interview with the President of the Poor Law Board on the subject; and after some considerable delay the Assistant Secretary of that Board wrote to the Guardians that it would be acting in contravention of the spirit of an Act of Parliament if it refused to entertain the application for the removal of the children. In their reply the Guardians stated that the children had long been receiving instruction in their own religion, and had been regularly attending their own place of worship. By the Act of 30 & 31 *Vict.* it was provided that a creed register should be kept in every workhouse and workhouse school, in which the creed of the child should be entered, and supposing any dispute were to arise as to the correctness of the register the Poor Law Board was to decide. Then the Act went on to provide that the minister of the religion to which the child belonged might according to the rules visit and instruct any inmate, unless he was above fourteen years and objected to receive such religious instruction. The Act further provided that any inmate for whom a religious service of his own creed was not provided in the workhouse should be allowed to attend a place of worship of his own creed outside the workhouse. At the time when these provisions were made there was a power vested in the Poor Law Board to remove a child for whose religious instruction no provision was made in the workhouse to a certified school of the religion of the child, and therefore it must be taken that when the Legislature made these elaborate provisions it was for the express purpose that the Poor Law Board should no longer exercise the discretionary power which they possessed under the Act of 1866. Now, in the metropolitan district there were 2,000 Roman Catholic children dependent on the public rates, and if there was a removal of those children in the case of Marylebone there must be also in the case of the rest of the metropolis, and, in fact, all over the country. In the metropolis the increase in the annual expenditure would be upwards of £8,000, and what it would be for the whole country he could not tell. Then let hon. Members consider what the effect would be on the parochial system. It would be entirely subverted, for the principle of that system was that the Guardians were *in loco parentis* to the children who were placed in their charge; and if persons who did not belong to the Established Church went to the Poor Law Board behind the backs of the Guardians and claimed the removal of those children, it was not the Roman Catholics alone, but the Wesleyans, Baptists, and other sects that might make a similar demand. The evidence taken before the School Committee at Marylebone Workhouse last May with reference to these children, showed that, in the case of the first, the boy said the Roman Catholic priest had told him that he was a Catholic, upon which he said, "I don't think I am," and that the priest told him to worship idols; and with reference to his early education, he said he had lived with his grandmother, with whom he went to a church. The evidence in the case of three other boys was similar in effect; but one of the boys said he had attended a Roman Catholic school for a short time and was removed by his father because they "whacked him." In the case of the fifth boy, it appeared that he had been to a Roman Catholic school and to a Roman Catholic church with his relatives. The evidence respecting the girl Elizabeth Marks showed that she was clearly never a Roman Catholic. The charge therefore that these children were known to be Roman Catholics and were brought up as Protestants totally failed when tested by the evidence. Dr. Manning was the last man in the world to complain of proselytism. No one was a more bitter opponent than he of the Church in which he was brought up, and no man had done more to degrade and injure it, and to draw away those who belonged to it to Popery. He was the last man to come to Parliament with a grievance about people changing their religion. There was no grievance to be redressed, but there were the rights of the parish to be maintained. Dr. Manning said there were 10,000 Catholic children in London, receiving no education, to be gathered in. Why did he not gather them in from the gutters, whence they issued to increase the crime and pauperism of the metropolis, instead of bearding the Guardians and beseeching the Poor Law Board to take children from one of the best of parochial day schools where the Catholic children were instructed by one of his own priests? Dr. Manning spoke of "a flagrant violation of statute law;" his own signature to public documents and his own archiepiscopal title were flagrant violations of statute law, as was also the multiplication of monastic institutions in this country. The Roman Catholics were the last persons to claim the equity of the law, because they least observed its letter and most openly infringed it. What other denomination went to the Poor Law Board and attacked the Guardians? Did the Baptists, Wesleyans, or Congregationalists? None of them. Only the Roman Catholics did so, and they did it on the principle on which they had sought to destroy the Queen's Colleges in Ireland—that of thwarting the policy of Parliament which was to endeavour by assuaging religious animosities to fuse all classes into one by educating children of various communions in mixed schools. The hon. and learned Member concluded by moving the Resolution.

MR. GOSCHEN said, that the warmth of the hon. and learned Member rendered it desirable that he should interpose between him and those Roman Catholic Members who would no doubt reply to him. In view of the seriousness of the subject, anything like sectarian bitterness should be avoided, and it would be better to exclude the particular history of Archbishop Manning from the discussion. The question was how orphan and deserted children were to be dealt with under existing Acts of Parliament, and, further, what was to be done with Roman Catholic children in particular? But other denominations had come to the Poor Law Board also, and desired their children to be removed from the workhouses to schools of their own denomination. The Jews had taken precisely the same course as the Roman Catholics had taken. The hon. and learned Member gave no prominence to the fact that the Act of 1868 which provided for the religious instruction of children within workhouses, gave further powers to the Poor Law Board to exercise its discretion in removing the children of Roman Catholics and others from workhouses to certified schools. The argument used by the hon. Member was that the Act of 1866, giving the power of removal, had been practically superseded by the legislation of 1868; but the Act of 1868 extended that power to orphans, deserted children, and illegitimate children, with the important modification that the removal might be made on the application of others besides parents and god-parents. Therefore, the Act of 1866 did not supersede previous legislation, but the power of priests and ministers of other denominations to visit co-existed with the power of removal. That was a very large power to give to the Poor Law Board, but it was given with the intention that the children should be removed to these certified schools when they were prepared to take them upon the application of those most interested in them. In the case of the day schools they had the Conscience Clause, but it must be remembered that workhouse schools were not day schools, and it was almost impossible to carry out the principle of a Conscience Clause, when there was no home influence behind, and when they had to deal with the fact that the workhouse or district schools were the actual homes of these children? His hon. Friend said that the guardians stood *in loco parentis* to these children, but it was an extremely delicate and difficult matter when they had to deal with the case of Protestant

Guardians standing *in loco parentis* to Catholic children. In the case of a ward in Chancery the child was always carefully brought up in the religion of its parents. This principle was clearly laid down by the law as the one to be followed where it was possible, and it was the principle upon which the Poor Law Board always acted where they had the power. His hon. Friend had referred to meetings where statements without foundation had been received with cheering, but other meetings had also been held at which statements equally unfounded, in an opposite direction, had been similarly received. The position was this—Subsequent to the legislation of 1866 various religious denominations, the Roman Catholics among the number, thought they would establish schools for the reception of pauper and other children. Of these schools there were four or five certified by the Poor Law Board as fit for the reception of pauper children; and now that these schools had been established by the Roman Catholics and by the Jews—for that body had also taken advantage of the permission granted by the Legislature—was the House of Commons to come forward and reverse the policy which they had adopted, and to say to the schools now being established that the children were not to be sent there. When he had first been appointed to his present Office he had had a careful and accurate Report prepared upon these schools. His hon. Friend had said that these schools were more costly, and that the cost was as 6*s.* against 4*s.* 4½*d.*—the cost in the workhouse school. But the latter amount did not include education or general charges, it was for food and clothing alone, and it would be seen by an inquiry into the expenses of the different Unions, that 6*s.* per head was in reality a very low figure, and that in most cases the expense was far in advance of that sum, which did not represent any profit to the Roman Catholics. He thought, therefore, that in a pecuniary point of view his hon. Friend had failed to make out his case. The discretion lodged in the hands of the Poor Law Board was never intended to enable that body to over-rule the principle laid down by the Legislature; and it was impossible to contend that at such an early age the religious principles of a child could be as well maintained by the biweekly visits of a priest as they would be by the child being placed among its co-religionists. Would his hon. Friend be satisfied to see a child of his own of the age of twelve years placed amongst Roman Catholics only receiving a visit from a Church of England clergyman twice a week? His duty seemed clear and precise. It was one of impartiality as between the different religious denominations. In matters of religion the authorities of the Poor Law Board ought to act towards deserted children as the Court of Chancery would act if these children were its wards.

Mr. NEWDEGATE said, it appeared to him that the right hon. Gentleman the President of the Poor Law Board would prevent children from exercising that which the law gave them—a voice in the choice of their religion.

Mr. GOSCHEN begged the hon. Gentleman's pardon. He had been referring to the case of children under the age of fourteen years.

Mr. NEWDEGATE said, the hon. and learned Member for Marylebone had referred to the case of other children.

Mr. T. CHAMBERS said, he had gone into the case of the children in question to show what the facts were.

Mr. NEWDEGATE said, there was no earthly doubt that the law gave the right hon. Gentleman the power to remove these children to certified schools. Dr. Manning meant to make profit out of the rates by speculation in these schools, and the right hon. Gentleman was going to accord with this design. The party which practised proselytism came to the House with an appeal *ad misericordiam*, although they were always ready to assault their neighbours. He should be prepared, on another occasion, to state the reasons why he doubted whether there was any impartiality in the dealings of the Government in this matter.

Mr. SYNAN said, he must defend Archbishop Manning and the Catholic body from the imputations of the hon. and learned Member for Marylebone (Mr. T. Chambers). He could understand that the hon. and learned Gentleman had to consult the wishes of a portion of his constitutents in adopting the line taken by him that night. All the Roman Catholics wanted in this matter was justice. The Guardians had proselytized these children for four years, and then alleged that the children were fourteen years old. Unless the Poor Law Board exercised its power these Catholic children would have no protection; and he denied that in Spain, or Italy, or any other country there was a more flagrant case than that of these five children.

Mr. **WHALLEY** said, that in other Protestant countries children brought up at the public cost were invariably brought up in the religion of the State. The Government ought not to recognize the pretensions of the Roman Catholic hierarchy in this instance.

Motion made, and Question put,

"That in any case where a board of guardians or any parish or union shall have made due provision within the workhouse or district school for the instruction in their own faith of children not of the Established Church, their religious rights being amply secured and the spirit of the law effectually carried out, it is inexpedient that the Poor Law Board should exercise its discretionary power to enforce the removal of such children to schools not under the control of the guardians or of the parish authorities."—(*Mr. Thomas Chambers.*)

The House *divided*:—Ayes 29; Noes 71: Majority 42.

### ELECTRIC TELEGRAPHS BILL.

Resolutions *reported,* and *agreed to*:—Bill *ordered* to be brought in by Mr. Dodson, The Marquess of Hartington, Mr. Chancellor of the Exchequer, and Mr. Ayrton.

Bill *presented,* and read the first time. [Bill 197.]

### METROPOLITAN BUILDING ACT (1855) AMENDMENT BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to amend the Metropolitan Building Act, 1855, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

### JAMAICA LOANS BILL.

On Motion of Mr. Stansfeld, Bill to provide for the better liquidation of certain Loans raised under the guarantee of Her Majesty for the Service of the Colony of Jamaica, *ordered* to be brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.

### POOR LAW (IRELAND) AMENDMENT (NO. 2) BILL.

Select Committee *nominated* as follows:—Mr. William Gregory, Mr. Attorney General for Ireland, Sir James Stronge, Viscount Crichton, Mr. Cogan, Mr. O'Reilly-Dease, Mr. Henry Herbert, Mr. Edward Wingfield Verner, Mr. Forde, Mr. Kavanagh, Marquess of Hamilton, Mr. Blake, and Lord Claud Hamilton:—Five to be the quorum.

House adjourned at a quarter after Two o'clock.

## HOUSE OF COMMONS,

*Wednesday, 7th July,* 1869.

MINUTES.] — Select Committee — *Reports*— Public Accounts [No. 303]; Inclosure Act [No. 304].

Public Bills—*Ordered—First Reading*—Savings Banks and Post Office Savings Banks* [199].

*First Reading*—Jamaica Loans* [200].

*Second Reading*—Trades Unions, &c. [68].

*Select Committee*—Metropolitan Commons Act (1866) Amendment [77], Mr. Cowper and Mr. Gerard Sturt *added;* Seeds Adulteration [49], Mr. Clare Sewell Read *discharged,* Mr. Pell *added.*

*Considered as amended*—High Constables' Office Abolition, &c.* [195]; Medical Officers Superannuation (Ireland)* [185]; Pensions Commutation* [187]; Shipping Dues Exemption Act (1867) Amendment* [184].

*Third Reading*—Inam Lands* [193]; Shipping Dues Exemption Act (1867) Amendment* [184], and *passed.*

### CAPE OF GOOD HOPE—BOERS OF THE TRANS-VAAL REPUBLIC.—QUESTION.

Mr. **R. FOWLER** said, he wished to ask the Under Secretary of State for the Colonies, Whether Sir Philip Wodehouse, the Governor of the Cape Colony, has carried out the instructions of the Duke of Buckingham (approved by Lord Granville) to prohibit the supply of ammunition to the Boers of the Trans-vaal Republic; whether his attention has been called to the suppression by the Dutch authorities of the Trans-vaal "Argus," the newspaper which has exposed the slave-trading practices of the Boers; and, when he will publish the Correspondence relative to the enslavement of Kaffir children?

Mr. **MONSELL**, in reply, said, there was a clause in the treaty made with the Trans-vaal Republic in 1852, permitting arms and ammunition to be sold to the inhabitants of that republic, and prohibiting the sale of arms and ammunition to the Kaffirs. In consequence of the utter failure of our remonstrances with the Trans-vaal Republic as to the organized system of slavery carried on there, it was determined not to act any longer upon the provisions of that unjust clause. Sir Philip Wodehouse had to consider what was the most effectual way of accomplishing this object. On account of the restoration of peace between the Basutos and the Orange River Free State, the prohibition of the introduction of arms and ammunition in the Orange River Free State was done away with. Under those circumstances it would have been impossible to prevent arms and ammunition going from the Orange River Free State into the Trans-vaal Republic, and it was thought that it would be better to abrogate the clause and get rid of its injustice by allowing both parties, the Kaffirs and the inhabitants of the Trans-vaal Republic, equally to purchase, without limit or check, arms and ammunition. Both of those parties had, therefore, been put on an equal footing in that respect. With regard to the alleged suppression by the Dutch authorities of the Trans-vaal *Argus,* the Colonial Office had no information on the matter, and, of course, it was impossible for them to interfere in it. The Papers to which the hon. Member referred at the end of his Question would, he (Mr. Monsell) thought, be ready for presentation in about a fortnight.

## IRELAND—JURY PANEL (MONAGHAN).

### QUESTION.

MR. DOWNING said, he wished to ask Mr. Attorney General for Ireland, Whether the sheriff for Monaghan, whose Jury Panel at the last March Assizes was quashed on the ground of partiality, is still in office; and, if he is, whether any and what steps have been taken towards his dismissal; and, whether the Jury Panel for the coming Assizes to be holden on the 8th instant has been returned by him; if so, is it the intention of the Crown to try by jurors so selected those persons returned for trial on charges arising out of party feeling and party collisions?

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, in reply, that the Sheriff of Monaghan was still in the possession of that office, and that the panel for the Assizes about to be held had been returned by him. In consequence of the charge of partiality made against the sheriff, with reference to the jury panel at the last March Assizes, in the case of the man charged with an alleged murder arising out of certain party riots, in excluding certain Roman Catholics from the jury panel, with the view of prejudging the prisoner's trial, an inquiry had taken place, and the triers came to the conclusion that, although the sheriff was not personally

cognizant of what had occurred, his sub-sheriff was. On the 2nd of June last the Lord Lieutenant of Ireland came to the conclusion that the sub-sheriff ought to be removed from his office, but before doing so a letter was written to the sheriff, calling his attention to the facts, and suggesting the removal of the sub-sheriff pending the trial, in order that confidence might be restored in the administration of the criminal law in Monaghan county. That letter was answered by the sheriff on the 9th, in which he upheld the character of the sub-sheriff, and stated certain matters which required further consideration. There had not, however, been time to do so, but he (the Attorney General for Ireland), acting in the discharge of his duty, had thought it right not to try the prisoners on the panel that had been returned for the ensuing Assizes; and, on Monday last, the Solicitor General for Ireland took the necessary steps in the Queen's Bench to prevent their being tried at the ensuing Assizes. By that course there was not the possibility of a miscarriage of justice taking place, and, with regard to the sheriff, he was unable then to state what his Excellency's intentions were with regard to that gentleman.

## TRADES UNIONS, &c. BILL—[BILL 68.]

(*Mr. Thomas Hughes, Mr. Mundella.*)

### SECOND READING.

Order for Second Reading read.

MR. T. HUGHES, in moving that the Bill be now read a second time, said, that the subject of Trades Unions had now been for some time a matter of serious consideration. It had been argued that it was too great a question for private Members to undertake, and that the Session was too far advanced. He therefore wished to explain the reasons why the promoters of this Bill persevered with it this Session, and did not leave the Government to deal with the question to which it related in another Session. It would be in the recollection of the House that, in the autumn of 1866, several outrages took place at Sheffield that startled and alarmed the whole country, and which were attributed to the trade organizations in that town. In consequence a deputation of employers waited upon the Home Secretary of the day to ask for a special inquiry. That application was seconded by the men themselves, and a Commission of Inquiry was appointed under an Act of Parliament. The Commission had scarcely commenced its labours when a sub-Commission was sent to Sheffield, and the investigation instituted there led to the terrible disclosures in connection with Broadhead and his associates. Those circumstances raised very naturally a strong feeling in the country. They were imputed to the operation of Trades Unions generally; and it was felt that the Unions were virtually on their trial before the country, and it became incumbent on them to take steps to remove the aspersions cast upon them. Obviously they had a very severe ordeal to undergo. Though admirably selected on the whole the Commission was in this respect defective, that whereas the employers of labour were directly represented by two large employers, one of whom was the president of a powerful association of employers, the men, on the other hand, had no direct representation whatever on the Commission. The then Home Secretary, however, appointed Mr. Harrison to attend and watch the inquiry on behalf of the Trades Unions; and the ability, industry, and patience of that gentleman deserved the heartiest acknowledgments. The evidence taken before the Commissioners extended over eleven blue books, and it had now been before the public for upwards of six months; and the decision of the Commissioners, so far as any decision had been arrived at, had been before the country for upwards of five months. The persons accused numbered, at the lowest estimate, upwards of 500,000 of skilled artizans; and, the inquiry being finished, those men naturally looked for the verdict of the House of Commons, the highest Court of Inquest of the country, as to whether the bodies with which they were connected were really guilty of the crimes imputed to them. They had been asking for some years to have the criminal laws which applied to them, and to no other class of Her Majesty's subjects, repealed, and that their funds should be protected. The House would now be asked for a simple answer—"Aye" or "no," as to these demands. On the whole the Trades Unions had been much better conducted of late than they had been for many years before. What they now asked was to be put upon the same footing as other societies before the criminal laws of the country. By reading the Bill a second time the House would testify, in conformity with the evidence, that they did not believe that Trades Unions, as a body, were guilty of those offences that had been proved against the saw-grinders of Sheffield and the brick-makers of Manchester and would, at the same time, show their willingness to redress the real grievances of these societies. This was a question which he was afraid would never be properly discussed until the Trades Unions of the country were directly represented in that House; but in the absence of that representation he must put their case before the House as fairly as he could. His own attention had been first drawn to the question by the remarkable inquiry made, in 1849 and 1850, by the *Morning Chronicle,* as to the condition of the working classes of London. The revelations then made, especially as to their state at the East-end, were startling in the extreme, and attracted great attention. He and others made personal inquiries into the matter, and the result was that they found the state of things to be quite as bad as it was represented by the commissioner of the *Morning Chronicle.* In the slop trade, for instance, they found half-a-dozen men pigging together in a room, with but one hat and a coat between them for their joint use, and deeply in debt to the "sweaters," as the lowest class of masters were called. These men worked fourteen and fifteen hours a day, earning most miserable wages, scamping their work whenever they had a chance, and breaking out now and then, as might be expected, into drunkenness when they had 1*s.* to spare. On inquiring how they had fallen into such a frightful state, he found that it was owing to the breaking down of their Union, which had left the men entirely at the mercy of the hardest employers in that part of the town. He and the friends who were acting with him rendered them what assistance they could in their effort to establish associations; but he was sorry to say that, in consequence of there being no cohesion or union among the men, the money was simply wasted, and the workmen relapsed into their old state of abject misery, and remained subject to the power of the "sweaters." A reverse to this picture might, however, have been seen in a great trade society, which was then just making a new move on the labour question, and which had its offices in the same part of the East-end. He meant that which had since become known as the largest trade organization in the world, under the title of the Amalgamated Engineers. This central society at that time made a successful effort to convert the various societies scattered throughout the country into one union, in order that they might be more powerful. Nearly a year after this the Amalgamated Engineers unfortunately came into collision with the employers, and the first of those strikes took place which had since become so frequent—strikes not affecting mere localities, but spread over whole districts and affecting the whole of the people of this country. The result of that strike was that every penny of the accumulated funds of the society was lost, and a further sum was required to be raised to enable the society to meet its engagements. When the society was in this strait, and when, in fact, the strike was in the last week of its continuance, a gentleman, who felt great sympathy with the association and its objects, saved it from insolvency by advancing £500 in order to meet the deficiencies that had arisen in the funds, and pay the members what was owing to them. The men were paid what was due to them by the society; but a good many of them stuck out and protested that no consideration on earth would induce them to return to work upon the terms offered by the employers. This being so, another wealthy friend of the society came forward and stated his willingness to pay the expenses of such of the men who would not return to work as were ready to emigrate. Forty accepted the offer, and went to Australia, without any pledge or security being extracted from them by the gentleman who advanced the money, and what was the result? It told most favourably for Trades Unions, showing how much more reliable members of those bodies were than those who were non-society men. Those who were not members of such a society as that of the Amalgamated Engineers were found to be in misery and generally in a deplorable condition; but those who were members, on the other hand, were found to be industrious, self-reliant, and in a state of comparative prosperity. For what had happened in the cases he had just cited? The Amalgamated Engineers, after the temporary misfortune to which he had alluded, closed up their ranks, put on new subscriptions and levies, re-paid with interest within three months the £500 advanced to them in their distress, and the society was now in a flourishing condition. The men, again, who went to Australia founded there a branch Union, and not only paid back at the end of two years the money advanced for their outfit and journey, but also sent home a handsome piece of plate to the gentleman who had so generously befriended them. He (Mr. T. Hughes) could speak with certainty on these points, as the whole of the money passed through his hands. These and other facts of a similar character which he might mention had long ago convinced him of the fact that the Unions had improved the condition of the men, and had raised them in point of worldly position. He had no hesitation in saying that, taking England from one end to the other, it would be found that where, as in the case of the slop-workers, and the agricultural labourer, no Unions existed, the work-people were in a most miserable condition; and, on the other hand, where Unions did exist and were strong, the work-people enjoyed the position of free and independent citizens, whom it was a pleasure to recognize as citizens of the country. A great many charges had been brought against Trades Unions, some of which it was his duty to notice. It was alleged, for instance, that these societies were in a state of insolvency, and that by legalizing them the Legislature would only be tempting the young men of the working classes to join associations which must in the end break down. That was undoubtedly a very grave accusation to bring against these Unions; but had it any foundation in truth? He admitted that some of the witnesses examined by the Royal Commission, and who were actuaries, came to the conclusion that the payments to which some of the largest and the best societies had pledged themselves could not be made while the subscriptions remained as low as they then were. On this point, however, it must be remembered that there were conditions which it was not possible for actuaries to take into consideration; but, without entering into a discussion of these on the present occasion, he would content himself by remarking that the whole question was lucidly set forth in the Appendix to the Comte de Paris's book, *Les Associations Ouvrières en Angleterre,* to which hon. Members wishing to master the question would do well to refer. It was evidently the interest of the opponents of Trades Unions to bring forward every case in which an established Trades Union had broken down, but it was a significant fact that not a single instance had been adduced. Considering that many of these societies had been in existence for forty years and upwards, and the greater part for eighteen or twenty years, surely if it were true that they were in a miserably insolvent condition, some single case might have been adduced in which there had been a failure to meet the liabilities incurred. Then, again, it was declared that the leaders of these societies were generally highly paid agitators, who had never themselves been workmen, but who got up these associations for their own glorification and managed them for their own benefit. He was in a position to deny that statement. He had been acquainted with almost all the leaders for many years, and he had no hesitation in declaring that they as faithfully represented the societies as the Members of that House represented their constituencies. As to their being highly paid, in the largest and wealthiest of all these societies—the Amalgamated Engineers —there were only two paid officers of the general society, and the highest paid of the two received very little more than he would be able to earn as a foreman of engineers; while in upwards of 200 branches of the society spread over the United Kingdom, the British colonies, and a part of the Continent of Europe, there was not a single officer exclusively paid by the society. To each branch there was a secretary, who managed the whole of the business of the branch; and the salary of the best paid, where the members numbered 300 or 400, only amounted to £10 a year, or less than 4*s.* a week. Moreover, those who filled these situations were, for the most part, men who worked with their own hands, and earned the ordinary wages of the trade. Another charge brought against Trades Unions was that they tended to encourage inferior workmanship. So far was this from being the case that he had no hesitation in declaring that the very best workmen in the country were to be found in these Unions. The object of the societies being to keep all their members at work at the highest possible wages, could anyone seriously believe that they would allow bad workmen to join their ranks? He could assert that strict inquiries were made as to the capabilities of men before they were admitted. Again, it was declared that they favoured strikes, whereas the very reverse was the fact; the councils of the Unions as a rule being for the most part very averse to strikes and discouraging them by every means in their power. They considered a strike to be like a Japanese duel, in which each man commences by killing himself. The councils were jealous of the funds of the Unions. As a rule no strike could take place without the express authority of the central body, and no strike was permitted to take place until arbitration had been offered and refused. Furthermore, it was alleged that these organizations had a tendency to drive trade out of the country; that in consequence of the cheapness of labour on some parts of the Continent, serious competition already existed, and that our manufacturers were scarcely able to hold their own against that competition. He admitted that the competition of foreign countries was becoming, and must become, much more serious than in past times, but on the present question he would refer hon. Gentlemen who were interested in this subject to the statistics collected in the Report of the minority of the Commissioners. From the Returns of the Board of Trade it appeared that as regarded the export iron trade, which had been specially instanced as one which was declining in consequence of foreign competition, an increase had taken place between the years 1860 and 1867 of nearly 50 per cent, and the Returns of the last six months showed that notwithstanding the recent depression the trade was still on the increase. Our iron exports to Belgium, for instance, other than pig iron—in which he admitted there had been a great falling off—amounted, in the year 1867, to £915,000 in value, whereas last year they were no less than £1,219,176, showing an increase, within that short period, of upwards of £300,000. Then it had been frequently asserted that we were losing our trade in machinery; but he found that, as regarded Belgium—the country specially instanced as our most formidable rival — we exported £819,000 worth of machinery in 1867. This, it was true, fell to £474,000 in 1868; but from the Returns of the last five months it appeared to have risen to £835,900 during the present year. The value of the machinery sent from Belgium to this country during that time was only £11,263. These figures were sufficient of themselves to disprove the statement that trade was being driven out of the country by the action of Unions. Passing from this subject he would now touch upon another of considerable importance. The Trades Unions complained of the present state both of the common law and of the statute law of the country, and of the manner in which it affected them. According to the common law, any agreement as to the terms upon which men would sell their labour was a wrong, as being in restraint of trade, and any attempt at combination to enforce that agreement became the crime of conspiracy. Therefore it was obvious that every Trade Union in the kingdom was not only, as it were, outside the common law, but was opposed to it, and was in fact illegal. Then again with respect to statute law, he found that from the Statute of Labourers in the reign of Edward III. down to the time of George III. there was a series of statutes directed against the combination of labourers The last of these—the 40th *Geo.* III.—stated in the Preamble, that workmen had by combinations endeavoured to obtain advances of their wages, and went on to enact that all contracts or agreements to obtain advances of wages should be absolutely illegal and void. Persons entering into any such contract were liable to two months' imprisonment, as were likewise all workmen who contributed funds for the maintenance of such combinations. Owing to these statute laws very disastrous consequences arose. During the first quarter of this century, when the industry of the country developed itself so rapidly, numbers of secret societies sprang up, the result being the burning of mills, the destruction of machinery, the vitriol-throwing, and the hangings which disgraced that period of our industrial history. Mr. Hume introduced and passed, in 1824, a short Bill designed to put an end to so sad a state of things. That measure would probably, if it had remained in operation, have set the question at rest for ever. It repealed all the old statutes on the subject of combinations, and enacted that the common law rules respecting restraint of trade and conspiracy should be no longer applicable to combinations of labourers; and, indeed, with the exception of certain provisions as to threats, it left masters and workmen to do exactly as they pleased in regard to their dealings with one another. The consequence of the passing of that measure was that all the secret societies came into the light, and so much alarm was caused on the extent of the combinations being made apparent that, in 1825, Mr. Huskisson, on the part of the Government of the day, introduced a Bill to repeal the measure passed in the previous year. Mr. Huskisson used many arguments which would sound strange at this moment; he thought the funds of the Unions would be better in the savings banks, and urged that if these combinations were allowed capital would leave the country. Mr. Hume stated that under the former law men had been frequently convicted, while evidence could not be obtained against the masters. Mr. Peel, then Home Secretary, said that workmen should be prevented from regulating what they knew nothing about. Under the provisions of the Bill, which in due course was passed into law and was the statute now affecting combinations, the old common law doctrines with regard to restraint of trade and conspiracy were again made applicable to combinations of workpeople, and by Section 3 a new set of misdemeanours was created which had been the cause of much subsequent irritation and litigation. In the Act 6 *Geo.* IV. the words "obstruction and molestation" were used, and were found almost incapable of legal definition. And what had been the result? Combination, it was clear, had not been hindered, for these amalgamated societies had increased in number in all branches of industry; but the statute had been found sufficiently oppressive in its working to keep the Unionists in a constant state of irritation and anger. In 1859, 22 Vict.

a statute was passed in the hope that it would accomplish the almost impossible feat of settling what "obstruction and molestation" meant. He would refer to one or two decisions given since that time in order to show the sort of conduct which brought workmen under the jurisdiction of the courts of law. Last year, in the case of "The Queen *v.* Drewitt," where there had been no violence, and nothing more than coercion, which did not even extend to abusive language, Baron Bramwell laid it down that—

> "Molestation must be held to be anything unpleasant or annoying to the mind operated upon, and it is clearly the law that if two or more persons by such means co-operate together they will be guilty of an indictable offence under the Act of 6 *Geo.* IV."

In "The Queen *v.* Hinckley," a man had called out "Baa, baa, black sheep," and got for that three months' imprisonment. In "The Queen *v.* Hamilton," also decided last year, it was held that the defendant was liable to three months' imprisonment for telling a man that if he went to work at a certain shop there would be a row. This was manifestly unfair when it was considered that if an ordinary person threatened to murder another or to burn down a house he could only be held to bail. Surely the House would not allow such a state of the law to stand. He regretted to say that not only had the criminal courts interfered in these matters, but the Unions had even been brought into the Court of Chancery, and a Vice Chancellor had granted an injunction to prevent the putting up of placards in a town, stating that there was a strike at a particular mill, and requesting the workmen not to go there for work. If the extension of jurisdiction were the mark of a great Judge, that Vice Chancellor was the greatest Judge since the days of Lord Mansfield. What was the remedy proposed for the state of things he had described? The Bill before the House, in the first place, swept away all the combination laws of which he had been speaking. As it was not to be pressed further during the present Session he would not go into the clauses of the Bill, but that was its great principle. It left employers and work-people alike free to make whatever contracts they pleased with regard to their capital and labour, subject only to the ordinary law and the ordinary courts of the country. It further provided that protection should be accorded to the funds of Trades Unions. The necessity for that protection had surely been proved over and over again, and, if any further proof were wanted of it, the House was aware that during the last few days there had been a most important decision, which showed how absolutely necessary it was that something should be done. In the cases of "Hornby *v.* Close," and "Farrer *v.* Close," it had been decided by the magistrates that these societies being in restraint of trade, their officers could not be punished for embezzling the funds. This Bill proposed to restore the jurisdiction under which Trades Unions had thought themselves secure, but which had broken down in those cases. It was said that the Embezzlement Act of the learned Recorder of London, passed last year, met the difficulty; but this was not so, for it simply declared that a joint ownership should not be pleaded as a defence to a prosecution for embezzlement. The machinery of that Act was inapplicable to a class of offences which, for the last fourteen years, had been dealt with under the 44th section of the Friendly Societies Act. It was now alleged that the 44th clause of the Friendly Societies Act was not meant to apply to those societies; but that clause was drawn in his Chambers and it was the distinct intention—at any rate of those who framed the clause—that these societies should be brought within its scope. Immediately after the passing of the Friendly Societies Act the best of those societies registered themselves under the Act, and remained registered under it to the present day. If this were not sufficient proof that the Act was intended to apply to Trades Unions, he might mention that immediately after the passing of the Post Office Savings Bank Act the trade societies expressed a wish to invest their funds in the Post Office Savings Banks. Some difficulty arose, and he had the honour of introducing a deputation on the subject to the right hon. Gentleman now at the head of Her Majesty's Government, who, at that period, held the Office of Chancellor of the Exchequer. The right hon. Gentleman consented at once to do what the deputation wished, remarking that these trade societies were of a kind which clearly brought them within the purview of the Friendly Societies Act. What would be said if the House now refused to give back the jurisdiction under which these societies had been for fourteen years? It would be said that when the country wanted their money it was glad to call them friendly societies, but that the moment it came to protecting their funds it refused to consider them in that light. He did not believe that such a thing would be said, because he knew that those societies had too much confidence in the present Prime Minister to say anything of the kind; but still such a conclusion under the circumstances would not be unnatural. What were those societies after all? They were simply and purely friendly societies, with this addition, that they made certain specified allowances to members who were out of work for reasons approved by the central authority. The Royal Commission had considered all these points, and had come unanimously to the conclusion that the combination laws should be relaxed, the only difference of opinion being as to the extent to which that relaxation should go. There was no doubt that the majority of the Commission did not wish to legalize societies which had any rules refusing on the part of the members to work with particular persons; and they also desired not to allow a Union to support another Union in the event of a quarrel between employers and employed. Even that proposed restriction, however, was carried in the Commission by a bare majority. The House would, he thought, acknowledge that they must have a clear rule in the matter. It was impossible to stop short with a certain relaxation of the combination laws — they must be swept away altogether. If it were necessary—and he was far from denying that it might be necessary—the criminal laws of the country should be strengthened so as to prevent any such molestation and obstruction as were intended to be put down by the 3rd section of the statute of 1825; but that being done they should leave the combinations of employers and of men to make whatever terms they pleased as to the conditions on which they would employ their labour and their capital, subject only to the common law of the country, which was quite sufficient for all purposes. He would only further give one or two reasons why those societies had deserved well of the country. Let the House consider the enormous expenditure many of them made for benevolent purposes. During the last few years the Amalgamated Engineers' Society to which he had already alluded had paid upwards of £100,000 per annum for the support of its members when out of work; and, in the past year, the Iron Workers' Society, consisting of 10,000 men, had paid £33,000 in the same way. Surely societies doing that were worthy of the consideration of the House. These societies encouraged all the virtues which prevented men from falling into pauperism, and he could not see why they should not have the benefit of the same law as applied to others. Again, these societies published statistics month by month which showed in what parts of the Kingdom work was slack, so that the labour market might be duly supplied, and workmen shown where to go and where not to go. They had also done very much to break down the prejudice which formerly prevailed against emigration. Emigration was a matter which, at one time, they could not get working men to think of, but now it was difficult to keep them from thinking of it. He confessed, however, that he looked with anything but favour upon the idea of expatriating the best part of our population, whose services we should certainly need when the present depression in trade was removed. The tendency on the part of these societies to resort to arbitration, for the settlement of their disputes with employers, had also been developed of late years. It would be impossible, however, to have that system, on which so much depended, unless they had some such societies as these to act as the representatives of the workmen. He had to ask the House now, and he did so with very great confidence, to read that Bill a second time. He asked it on grounds of expediency, because the combination laws were class laws, which had completely failed to answer the purpose for which they were intended, and had kept the people whom they affected in a constant state of irritation; and he asked it upon higher ground, because by reading the Bill they would only be doing that which was just to a large portion of the community. In 1844, Parliament repealed the Forestalling and Regrating Acts, and enabled any combination to take place among traders who dealt in the necessaries of life, without regard to the supposed interests of society; and he now asked it to pass a similar measure for the working people of this country. He asked them to bring the sympathies and interests of the members of these great organizations into entire conformity with the interests of the country. If they did so, they would effect a change in the feeling of those societies, making it a much more cordial one towards the Government and the laws of this country than it had hitherto been; and they would, he believed, see the dawn of peace in the industrial world of England. There could be no peace — he would go further and say there ought to be no peace—so long as those great societies, which had come out of the ordeal of recent inquiries in so creditable a manner, remained unrecognized and unprotected by the laws of their country, and so long as they continued to be suspected, hated, and misrepresented by every class in the community, except that great class to which they belonged, and whose ideas and wishes, notwithstanding what might be said to the contrary, they faithfully expressed. He moved that the Bill be now read a second time.

MR. T. BRASSEY, in seconding the Motion, said, he was anxious, as the son of an employer of labour on a large scale, to offer a few remarks on the subject under the consideration of the House. Many influences operated to induce him to take of it an employer's view; but, on the other hand, he could not forget the long and faithful services which had been rendered to his father by members of the working classes. As to Trades Unions, the guilds of the Middle Ages were their forerunners, and, taking into account the great changes which had since been brought about—the substitution of machinery for manual labour and the concentration of workmen in great industrial centres—the formation of combinations with the view to carrying out objects in which they felt interested was, he thought, but the natural result of what had occurred. It was further worthy of notice, that no law, however severe, had succeeded in putting a stop to such combinations, and that the severity of the enactments against them had simply had the effect of causing proceedings to be secret which it was for the general advantage should be public. In dealing with such a question, the principles on which legislation should proceed were, it appeared to him, tolerably clear. The Legislature could not very well, in the first place, in his opinion, refuse to the operative classes the right voluntarily to combine for the purpose of endeavouring to regulate the terms of their labour; while every possible protection which the law could afford would, he hoped, be furnished against coercion, so that all those operatives who wished to keep aloof from such combinations might be protected from intimidation. He was not, he might add, insensible to the great errors and follies which Trades Unions had committed. So far as their action had been brought to bear upon trade he regarded it, he must confess, as essentially illiberal, anti-social, and not conducive to the general advantage of society. Upon the other hand, he believed that the power of Trades Unions had been greatly exaggerated; nor did he think they had rendered that service to the working man in procuring an increase of the rate of wages which some of those whose guidance they followed would lead them to suppose, or that their agitation and organization could influence the rate of wages in a sense unfavourable to the interests of masters to an extent which some alarmists thought possible. The result of recent strikes, beginning with the great strike of engineers, in 1852, and ending with that of the colliers in Wigan, in 1868, went to show that they failed in their object, as far as a successful resistance to a reduction of the rate of wages was concerned. The employer, as a matter of fact, in many instances, from a kindly consideration of the interests of those who worked for him, put off to the latest possible moment that reduction which, unless he were contented to carry on his business at a loss, he was compelled to make. It was argued that because wages had been advanced in some cases at the request of Trades Unions, therefore Trades Unions were the cause of the increase of wages. It was, however, to the operation of the laws of supply and demand, rather than to the action of Trades Unions, that the increase in wages ought to be attributed. In support of that view he might mention that when the Grand Trunk Railway was being constructed in Canada, his father had taken out, at his own expense, a great number of operatives from this country to execute the work, and that they received an increase of wages amounting to 40 per cent without any interference in the matter on the part of Trades Unions. That increase of wages surpassed the most golden dreams of Trades Unionists; but it arose entirely from the natural laws of supply and demand. As to the statement that these societies had succeeded in establishing a rate of wages which caused the sums paid for work done in this country to be far higher than were paid abroad, he would merely observe that the amount of daily wages afforded no adequate criterion of the actual cost of production. His father's experience went to show that there was really a remarkable tendency to equality in the cost of labour throughout the world. He knew also of many cases in which an increased amount of wages had not increased the cost of the labour for which those wages were paid. At the outset of the construction of the North Devon Railway, for instance, the rate of wages paid was 2*s.* a day; but as the work progressed the amount was increased to 3*s.*, yet it was executed at a cheaper rate at the higher scale of wages. A similar remark applied to the works in Oxford Street, in connection with the drainage of the metropolis, which were constructed at a cheaper rate per cubic yard when the wages of the workmen were raised to 10*s.* a day than when they stood at 6*s.* In the case of the Paris and Rouen Railway, too, it was clearly shown that 4,300 English navvies who had been taken over to work on the line did the work cheaper, although they got 5*s.* a day, than the Frenchmen employed, who received only 2*s.* 6*d.*; in fact, there was nothing more feared in those parts of the Continent, even where wages were lowest, than English competition. Mr. Lowthian Bell, a great authority in the iron trade, had shown that the same rule held good in the case of iron smelting. He had found that a particular operation connected with that process occupied the labour of forty-two men in France, but that it was done by twenty-five men in England; and though the price of labour was 20 per cent cheaper in France than in England, the cost of smelting in the former country, was, on the whole, considerably greater. Mr. Commissioner Wells, in an able Report to the American Congress, discussed the same question. Taking the puddling of iron as the representative process of the trade, he found that the average price of labour per day was from 7*s.* 6*d.* to 7*s.* 10*d.* in Staffordshire; 6*s.* 4*d.* in France, and 4*s.* 9*d.* to 5*s.* in Belgium; but that the average price of bar iron was £6 10*s.* in France; £7 in Belgium, and £8 in England. It was equally true that the hours of labour were often no criterion of the amount of work done. In the great establishment at Mulhausen the proprietor reduced the working hours from twelve to eleven, and promised the men that no reduction should be made in their wages if the amount of work they performed was equal to what it was before. After a month it was found that the men did in eleven hours not only equal, but 5 per cent more than the amount they did in twelve hours. In comparing the rate of wages at home and abroad, they ought also to have regard to the fact that abroad employment was steadier than at home. The very spirit of enterprize which had made England what she is, tended to produce great fluctuations in the labour market. When trade was good enterprize revived, speculation flourished, labour went up, and over production took place, followed inevitably by a period of stagnation; and then the men were put on half-time. Trades Unions, he contended, however strong their organization, were powerless so to raise the rate of wages as to materially increase the cost of production. The Amalgamated Society of Engineers, for example, which was the greatest of those societies, and which was possessed of funds amounting to £149,000, had practically effected nothing whatever in the direction of increasing wages in that trade. In the mechanical trades in this country there had, indeed, been hardly any increase in the rate of wages during the last fifteen years. A very different result had, however, been brought about on the Continent within that period. Mr. Fane, in his Report to Lord Stanley, mentioned that M. Schneider, whose establishment in France had been spoken of as being enabled to compete successfully with us for the last three or four years, whereas formerly such was not the case, had found it necessary to increase the rate of wages to his workmen between 1850 and 1866 by 38 per cent. In the corresponding trades in this country there had been no increase; and it should not be forgotten that if we were unduly to diminish the rate of wages earned by our operatives we should see the result in that emigration to the United States which he felt assured the House would regret should occur. It was repeatedly stated, he might add, that the competition with foreigners was producing a disastrous effect on British industry, and he did not mean to deny that the foreign manufacturer was approaching us day by day, and that he stood more upon a level with the English manufacturer than formerly; but he would warn English artizans that the consequence of any artificial increase in the rate of wages at home would be that we should be beaten by the foreigner in neutral markets, and that capital, no longer obtaining an average rate of profit here, would seek for foreign investment. Should that occur, he should like to see what the Trades Unions, with all their assumed power, could do for the operative classes. As yet, however, it was not true that we were not able to compete with the foreign manufacturer. As much misapprehension prevailed on the point, he had taken the trouble to ascertain certain facts which would, he thought, serve to show the House that he was right in making that statement. In an article on the "Competitive Industries of Nations," which appeared in the *Edinburgh Review* a short time since, it was stated that two English contracts for railway engines had been given abroad, and it was added by the writer that this incontestably proved that English designs for engines could be executed abroad as well as in this country, and at a cheaper rate. Now, the real state of the case, he believed, was that, in 1865, fifteen engines had been ordered from M. Schneider, while forty had been ordered from English firms, the object of the engineer who ordered the fifteen being to keep down prices in England perhaps as much as anything else. Twenty-five engines more were afterwards ordered from M. Schneider; but he had not, it was thought, found the execution of his contract for the first order very profitable, for he availed himself, it was supposed somewhat gladly, of the financial embarrassments of the Great Eastern Company, and the twenty-five engines were never made. It was also the opinion of the engineer who gave the order, and who had some knowledge of French workmen, that the price of that class of labour was not really cheaper than it was in England. The other case, an order given for the East Indian Railway, also occurred in 1865. Mr. Meadows Rendell ordered eighty engines from an English firm, and twenty from the Messrs. Kischler, of Esslingen. Subsequently, he ordered twenty more, ten from an English and ten from a foreign house. In that case the foreign was paid the same price as the English manufacturer; but at the conclusion of the contract great complaints were made by the foreign firm of the loss which they had sustained, and they asked for a further order for engines at an increased price to compensate them for that loss; and it was to be observed that they employed English foremen, and that two-thirds of their material came from England. It had been also said that Belgian rails were being largely imported into England. He believed that that was the case in 1865, but the reason was that our own ironmasters were excessively busy; in Belgium the business was slack, and they were, consequently, able to take lower prices. Since that year rails had been and were now made in England cheaper than in Belgium. He might also mention that not very long ago his father put out tenders for forty engines for a Hungarian railway. The contracts were open to all the world, but of the forty engines thirty-five were given to English, and only five to foreign firms. He thought, therefore, the House, looking at these facts and the general state of trade, as shown by statistical Returns, had no reason to infer that foreign competition was able to drive us out of neutral markets in consequence of the higher rate of wages which we had to pay. He drew from what he had just stated the inference that if Trades Unions should succeed in raising the cost of production beyond that which it was abroad they would immediately produce the most disastrous consequences, so far as the interests of those whom they represented were concerned; while he denied their power permanently to raise the rate of wages beyond the point at which it left a fair rate of interest for the capital employed. As to the Bill before the House, he intended to vote for the second reading, on the broad ground that the combinations to which it related should not, in his opinion, simply as combinations, be punishable by law. But, on the other hand, he thought that legislation on the subject would be altogether incomplete unless steps were taken concurrently to extend the law respecting threats. There would be no difficulty in doing this. It was certainly proper that if a man publicly insulted another, or annoyed him so as to gather a crowd round his house, he should be liable to punishment; but he believed the present state of the law on these points was involved in much uncertainty. He believed that the Indian penal code contained provisions on the subject of threats which would fully meet the case. Then, if Parliament recognized the right of workmen to combine, it should protect the funds of their trade societies from embezzlement so long as these societies conformed to the law. Besides this bare protection, privileges might be given to Trades Unions which conformed to certain reasonable regulations. The Royal Commissioners prescribed four conditions, but he was not sure that all of these could be reasonably enforced. It would scarcely be consistent with public policy to give more than a bare protection to its funds in the case of a society which did not accept the use of machinery; without which it was impossible that we could maintain a successful competition with other nations—but others, which had no such rules in restraint of trade, might receive the privileges conferred by the Friendly Societies Act, provided that they registered their rules and obtained the proper certificates; and they might have power to buy an acre of land and build a trade hall for the purposes of their meetings. As far as the rate of wages was concerned, he repeated that no severity of legislation, no restriction on the part of Trades Unions, could overcome the necessary results of the operation of the law of supply and demand. And with regard to workmen who chose to work at a lower rate than Unionists did, he would leave them to be protected by the general law, and by that public opinion which, after all, was more powerful than any law.

> "Quid leges sine moribus
> Vanæ proficiunt ?"

Increased enlightenment among the working classes, and an improved state of feeling between work-people and employers, were the best security against breaches of the law.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. T. Hughes.*)

Mr. CHARLEY said, he should support the second reading of the Bill, on the ground that the present law was unsatisfactory; but he thought that certain clauses in the Bill were too widely framed, for instance the 2nd clause, which said that it should be lawful to make any agreement with respect to wages. The principle upon which they ought to proceed was to level, not downwards, but upwards. The Bill embodied two important principles, in both of which he agreed — first, that there should be a modification of the criminal law affecting Trades Unions, and next, that protection should be afforded to the funds of Trades Unions, so far as they were applied to lawful purposes.

Mr. PLATT said, the Bill concerned three classes of persons — Trade Unionists, employers, and non-Unionists. He, for one, did not think there was much in the apprehension of foreign competition; he had no fear of it in this country. But at the same time he felt that restraints on trade, if carried out to the extent to which many of the Trades Unions desired to carry them, would be productive of disastrous results. When the Trades Unions used their funds to support strikes, or in other words, in restraint of trade, he looked upon them as most mischievous. On the other hand, they could not shut their eyes to the fact that many things in the Trades Unions were highly deserving of commendation — such, for example, as the aid given to sick and unemployed members, the funds applied to burials, and the information given to members of the places where work was plentiful and where it was scarce. All these results were good and beneficial, and he, as a large employer of labour, went entirely along with the Trades Unions in these respects. He certainly considered that the combination laws, at present in existence, were of no benefit to the employers. The employer derived no protection from them, and he could see no use in continuing them upon the statute book. But there was another party whose interests ought not to be forgotten in this House—the great body of the labourers. It was to be remembered that however numerous the Trades Unionists might be, considered by themselves, they were still a small minority of the working classes of the country. He thought every practice in restraint of trade was disadvantageous to the main body of the working classes, and robbed them in some measure of the employment which was their due. Many improvements might be made in the customs of trade; for instance, he looked upon it as a great evil that the system of apprenticeship should exist in any trade, and the sooner it was abolished the better. It tended to foster in the minds of working men the idea that they had some right or vested interest in the trade which they had learned, and it stood in the way of the progress of inventions that might displace the skilled labour which they had learned to exercise. He could well appreciate the feelings of a person who, having served a long apprenticeship to some species of skilled labour, found that by the invention of some new machine the vested interests to which he thought he had acquired a right by his apprenticeship were taken from him. But it was for the interest of all parties that a machine which reduced the cost of production one-half should be employed, even though the immediate interests of the labourer might suffer. The hon. Member for Frome (Mr. T. Hughes) had alluded to the Society of Amalgamated Engineers. Now it happened that the strike of 1852, of which the hon. Member drew so pathetic a picture, originated in his (Mr. Platt's) establishment. The main cause of that strike was not a question of reduction of wages; and he might add that he did not believe any of the great strikes ever rose out of a question of wages. There was a more important principle than wages involved in that strike. The object of the Amalgamated Engineers was, in the first place, to limit the employers to a certain number of apprentices; and, secondly, to secure, that if any new machine were invented and adopted it should be worked by a skilled person, even though a carter or farm servant might learn how to use it in twenty-four hours as well as the best skilled man in the country. That was the principle on which the strike took place which ended so disastrously for the engineers. Soon after the close of the strike the engineers held a great meeting in Glasgow, and from Mr. Allen's evidence before the Royal Commission it seemed that those two rules to which the masters took exception were expunged. Since that time the society had gone on increasing; its funds were more flourishing, and it numbered more members than ever. But though the society deserved credit for its prudence, he was not prepared to say that they had abandoned their designs in regard to restraints on trade, though certainly they had not been made a prominent part of their proceedings. With respect to employers, he considered that when the Trades Unions became troublesome, and insisted on rules which were in restraint of trade, it would provoke among the masters a spirit of opposition; and whenever that spirit was evoked, and the two parties met face to face he agreed with the hon. Member for Hastings (Mr. T. Brassey) that the victory would remain with the employer. But if a medium course could be suggested it would be better for all parties; for there could be no doubt that the interests of employers and employed were one. A principle had lately been brought forward, which was in antagonism to that of Trades Unions, and that was the principle of co-operation. Now, co-operation was not antagonistic to labour, or in restraint of trade, because it was the interest of all the members of a co-operative society to produce at the lowest possible rate. It appeared to him that the day was not far distant when Trades Unions and co-operation would come into competition, and he predicted that when that day came co-operation would beat Trades Unions. He should vote for the second reading of this Bill, because he wished to do away with all class legislation. He wanted the Trades Unionists to see that the Legislature was willing to give them every possible facility for the purpose of combination. But at the same time there must be a clause in the Bill to protect those who were not Trades Unionists, and who were willing to work at lower wages or on other conditions; there must be no system of picketing or practical intimidation. The non-Unionist wanted protection, and he looked to this House to place him on equal terms with the Unionist.

Mr. PLIMSOLL said, the importance of this question must be the apology for his breaking the rule he had laid down for himself of not addressing the House during the first Session. When the Reform Bill was passed apprehension was felt that the working men would act together as a class and send representatives of their own to Parliament. That they had not done so was owing, he believed, to the happy effect of the legislation of the last twenty years, which had satisfied them that they might safely follow the lead of the middle classes. There was first the Factory Act, relieving women and children from unreasonable toil ; and for that he was bound to say the working classes, Liberal though they were, were more grateful to the Members on the Opposition than to the Members on his side of the House. But they were not less grateful to Members on his side for the efforts that had been made to relieve their food and the materials of their labour from taxation, so that the people were better fed and housed now than they ever were before. He claimed for the working classes who now asked for this legislation that they were industrious — because they were supposed to desire a monopoly of labour—they were thrifty and self-reliant, as was shown by the accumulated funds of these societies. And they made great sacrifices for one another ; because they sometimes submitted to deductions of 3*s*. or even of 6*s*. a week for the maintenance of the unemployed members of their Unions. They were courageous and gallant. He had been connected with collieries for many years, and knew something of colliery accidents. Now, although there was the extremity of peril in descending into a pit immediately after an explosion, there was never a lack of volunteers to rescue those who were injured. For instance, at the Oaks Colliery explosion thirty-seven men went down at the great risk of their own lives. Could nothing be done for the welfare of these noble men ? It appeared to him that if the Government were to appoint some scientific man, such as the hon. Member for the Universities of Edinburgh and St. Andrews (Dr. Lyon Playfair) to investigate the matter no long time would elapse before the miner would be able to pursue his calling in as great security as the haymaker. The working classes were generous and tender as was seen in the aid they gave out of their earnings to those who had been made widows or orphans by those dreadful accidents. He did not pretend that that characteristic was peculiar to the colliers, for he believed it to be pretty general. These classes possessed political honour in the highest degree. There were orderly, and peaceable, and also much more temperate than public opinion generally supposed. The working classes, he assured the House, were grateful for what had been done by the Legislature during the last twenty years to improve their condition, but he contended that much still remained to be done. It was desirable to examine the condition of life of these people. Dr. Playfair had stated the average length of life of a gentleman to be forty-four years and that of a working man twenty-two. Other authorities had made similar statements. But that remarkable diminution of life amongst the operatives did not obtain in the country, for whilst in London the proportion was 44 to 22, in Hertford it was 49 to 39. He believed the reason of the difference was to be found in the excess of infant mortality. The average life of the working men was now five years less than at the beginning of the century—a diminution which he attributed to the defective sanitary state of the places where they worked and lived. That was the condition of life of the working classes. What was their condition as to the means of living ? Their position was not bad because the general wealth of the country had decreased ; for, since 1801, the capital of the country had increased by 350 per cent, whilst the population had only increased at the rate of 81 per cent. The annual income of the country was estimated at £814,000,000, of which £408,000,000 was enjoyed by 1,250,000 of the population, whilst the other portion was enjoyed by 12,500,000. The income tax showed a similar result. It was clear that the distress amongst workmen was not the result of a diminution of the national wealth. Parliament was bound to consider with serious attention every possible means of bettering the condition of the working man. Everybody had an opinion or fancied he had an opinion on the subject of Trades Unions. Some persons said that they were formed by idlers, who lived on the contributions of the industrious; that they interfered vexatiously with the employers of labour, and sometimes involved them in ruin. But those who belonged to the Trades Unions—and who constituted nine-tenths of the working population of the country that was good for anything—were firmly convinced that their interests were greatly promoted by means of these Unions; and if that were so, and if, as he had heard one employer state that day, these Unions could not hurt the employers, he hoped the House would be of opinion that a clear case had been made out for legalizing them. It would be idle to deny that there was not a good feeling between the class that earned their living by toil and those who lived by directing their labour and distributing its results. The feeling of jealousy between the two classes, though not, perhaps, so great as it had been, was much greater than many persons supposed. There were some masters who wished for Trades Unions. He knew one in Sheffield in the table-knife trade, who had written to him to say that he was ashamed of the wages he paid his men—only 11*s.* a week—but unless there was a Trades Union to compel other masters to raise wages, he could not. It was said that they destroyed competition; he hoped the time would come when a noble emulation to make self-sacrifice for the common good would take the place of that less generous principle of competition. It was said also they tried to limit the number of apprentices, and so they did; but he did not think we need trouble ourselves much about that, as with the increase of employment these restrictive rules had become less and less operative, and were now enforced in very few Unions. But it was said that Trades Unionists exercised coercion. If that were so they must be punished, and made to understand that the rights of the minority were just as sacred as those of the majority; but he believed that the public entertained an exaggerated notion of the extent to which coercion was employed. Sheffield was the head-quarters and centre of Trades Unions; there were about sixty societies there, and more than 20,000 workmen engaged in the various trades. They had heard enough of the atrocities committed in the various Trades Unions of Sheffield—and God forbid that he should say anything in palliation of those atrocities; but it was one thing to palliate an atrocity and quite another to show that certain men were not guilty of it, and by the inquiry which took place at Sheffield it was established that only 1,300 men of the 20,000 were at all affected or concerned in the outrages which had been committed. He altogether denied the assertion that Trades Unions raised wages above their natural level, but the principles of political economy required modification. The laws of nature were sometimes suspended. It was a question whether the lowest rate of wages to which the working people could be driven down was the best for the community, for when wages fell to a low point the poorer classes were obliged to come upon the poor rates. He maintained that working men, acting in combination and possessing a fund beforehand, were better able to cope with a time of difficulty and to give their industry breathing-time, as it were, than men who stood alone and separate from each other. They could bring to each other comfort and courage in times of adversity. The Trades Unionists desired that they might not be handed over to the judgment of any body of persons; and they asked the House to consider that workmen might sometimes be in the right, and that employers might sometimes be in the wrong.

MR. E. POTTER admitted that he had very strong opinions upon this measure. He had been an employer of labour for many years, and forty-five years' experience had taught him that Trades' Unions did no good to the men, and certainly no good to the masters. During the whole of that period he did not remember having had hardly a single day's uneasiness through or any quarrelling with his workmen. He had always been on good terms with his men, and he had many times conceded more than he had enforced. He opposed this Bill for several reasons. In the first place he believed it would destroy the great benefit derivable from the friendly societies. If a good Bill were brought in the Trades Union funds might easily be protected without interfering with the friendly societies at all. Many of the Trades Unionists did not belong to the friendly societies—indeed he thought the majority of them did not. One of the ablest men connected with these societies, Mr. Applegarth, had admitted that the funds of Trades Unions were not so much intended for the assistance of sick members as to enable the Unionists to wage a successful contest with the masters.

The Bill bore on the face of it that it was in favour of combination, to prevent competition, and to enable the Trades' Unions to impose certain restrictions and to raise the rate of wages. The Bill would prevent the increase of apprentices in certain trades, and also prevent the employment of non-Unionists in those trades. Mr. Harrison stated, at a meeting at the Sussex Hotel, that those objects had been provided for in the measure now before the House. He (Mr. E. Potter) was perfectly satisfied that the Bill was an anti-free-trade Bill; for all combinations which prevented competition were in their nature antagonistic to Free Trade. At a public meeting convened at Chelsea a short time ago by the council of the Trades of Great Britain Defence Association, to consider the question of the depression of trade and the increase of pauperism, a Petition was adopted which showed that the Trades Unions themselves regarded such combinations as anti-free-trade. The hon. Member for Frome (Mr. Thomas Hughes) at a meeting of the Carpenters' Association held a few weeks ago, said that no one could deny that the old commercial system of unlimited competition had broken down, and that a new system must be inaugurated before England could be as happy and as trusted as they would wish her to be. The growing commercial prosperity of the country, however, as indicated by the increasing quantity of our exports, did not bear out that conclusion. The hon. Member for Frome attributed much of the improvement which had occurred in the condition of the working classes to Trades Unions and combinations; but he believed that was a very great mistake; on the contrary, it was mainly attributable to Free Trade, which had given cheaper provisions, higher wages, and better education. Our exports had increased since 1842, when they represented £47,000,000 to £180,000,000, at which they stood last year. There had been a great increase in the export of machinery—for we made the best machines—and those machines became the very means of increasing the competition we had to meet. That competition would, of course, become all the more difficult if wages were to be kept up by combination. The capitalist did not profit by ill-paid labour; it was not the rate of wages so much as dictation and interference with all his internal arrangements that perplexed and annoyed him. The House should consider the relative importance of the Trades Unionists when compared with the bulk of the working classes. The number of Trades Unionists was stated in the Report to be 850,000. He doubted if it was so great, but taking it at the number stated, this was but a fifteenth part of the entire working population of the country, which was between 11,000,000 and 12,000,000. He had not the least objection to combination for the protection of the workmen, but that was a very different thing from combination for the prevention of competition. He was most anxious that the Government should fairly and calmly take up this question, which must come upon them eventually. The great commercial interests had more to gain than any from a settlement of the question, which should get rid of all irritation and annoyance. If all the Trades Unionists were as well educated and as courteous as their leaders, the matter would be very different; but, unfortunately that was not the case, and they were spread throughout the country, a large uneducated body, but wielding an enormous influence. To show the influence which they could bring to bear even upon a large town such as Manchester, he might allude to the brickmaking trade. The consumption of bricks in Manchester was about 70,000,000 a year, and the wages paid for brickmaking amounted to about £35,000; but—would the House believe it?—the city of Manchester could not get a single machine-made brick. No brickmaker dared introduce such a thing into the town. Machine-made bricks might be produced at a reduction of one-third in price, while their quality was 50 per cent better; so that Manchester would have been a gainer by paying the hand-brickmakers their wages and letting them walk about like gentlemen. So long as they allowed one-fifth of the population to remain in intense ignorance, and consequent poverty, they could not avoid such a state of things. The Trades Unionists were not all of the better educated class, as represented by Mr. Hughes, but many of them must be uneducated men. The Government must, therefore, not only legislate next year for Trades Unions; they must bring in a strong education measure; for it was only by a very strong compulsory Education Bill—he did not care how strong—that they could hope to make much impression on Trades Unions.

SIR CHARLES DILKE begged to say a few words in explanation of the Petition alluded to by his hon. Friend who had just sat down as having been agreed to on a recent occasion at a meeting in the Vestry Hall, King's Road, Chelsea. The Petition consisted of three parts—in the first, certain statistics of trade were asked for; in the second, certain monetary reforms were prayed for; and in the third, what the hon. Member for Carlisle (Mr. E. Potter) described as the determination of the working men to have no more Free Trade was merely a declaration that Free Trade was not Free Trade at all so long as other countries showed no reciprocity. This was not an anti-free-trade Bill. It was nothing of the kind. It was rather a Bill in the direction of Free Trade, for it tended to do away with all special legislation in regard to trade.

MR. MUNDELLA said, the hon. Member for Carlisle (Mr. E. Potter) had made many statements in which he entirely concurred, but there were others with which he could not agree. His hon. Friend was of opinion that the Bill would destroy friendly societies. Now he (Mr. Mundella) could not imagine on what ground that opinion was founded, because friendly societies had existed and prospered along with Trades Unions. His hon. Friend had at least proved that a good master needed no Trades Union, as a good citizen needed no law; but he was mistaken when he supposed that this measure would authorize an interference with non-Unionists and apprentices. He (Mr. Mundella) would not be a party to any interference with the freedom of any man's labour. His hon. Friend said that the progress of the country was owing to Free Trade, and that they must be careful not to reverse it. Now, the progress of Free Trade had been concurrent with the existence of Trades Unions, and the question now before the House was purely a question of Free Trade in labour. It was only by slow degrees that he had shaken off the prejudices of his class, and had come to the conclusion that the only way in which masters and workmen could come to a good understanding was by placing them upon a perfect footing of equality before the law. As long as the combination laws disgraced the statute book it was impossible that a good understanding should subsist between them. The cry of free labour meant only that the capitalist should have the sole control of the labour market. A master was a corporation and could deal with his men if they went to him singly. But if they went to him as a Trades Union they were a body equal to himself, and a bargain could be made on equal terms. He did not think it right that the capitalist should have the sole control of the labour market, and that the labourer should have no control whatever. It had been said that the 850,000 Trades Unionists were only a small proportion of the 12,000,000 who formed the labouring population. But it should be remembered that the 12,000,000 included men, women, and children, and the 850,000, who represented families, should be multiplied by five to give a fair proportion. The Trades Unions had been very much misrepresented. He had spoken in almost every industrial centre of England to tens of thousands of working men, and had denounced all kinds of restrictions, and the working men had favourably listened to him. His presence in that House attested the fact that the men of Sheffield detested and abhorred the atrocities committed in that town. The instigator of those atrocities had come into a room when he was addressing the working classes of Sheffield, and was driven from it by a howl of execration. He refused to meet any who had brought disgrace on the town, and he had to encounter the bitter hostility of the Saw Grinders Union. He believed he had now the support of all other sections of the Unionists. With respect to the brickmakers of Manchester, no man in his senses could defend their conduct; but these things would exist in spite of legislation—and not in consequence of it. In that case the men adhered to the system complained of in consequence of an arrangement on the part of the Manchester bricklayers that they would never lay any but hand-made bricks. The masters conspired with the men, and assisted the men when on strike on certain conditions, and the men had kept their engagements. The Brickmakers' Union was a most powerful one; but the members of it were so ignorant that there was not a man amongst them who could act as secretary and keep the books. Their children went to work at six or seven years of age. When the men were so ignorant, and were addicted to drunkenness and all other kinds of vices, it was unreasonable to expect them to act like gentlemen of refinement and to understand the principles of political economy. It was necessary to educate them to make them understand their own interests more clearly. With regard to the outrages committed by Trades Unions an end would be put to them if the masters were wise in time, and manifested a more kindly feeling. The great difficulties which existed had arisen from the men having been so long held in a servile position, in a state of feudalism; and he asked the House to wipe from the statute book these blots by which it was disfigured. Combination was as fair for the men as for the masters; and an organization existing among the men conducted on moderate and reasonable principles would enable the employers to keep abreast of one another as well as the employed. Now, he would ask, was there one master who really believed that the passing of this Act would change in the slightest degree the relations between him and his workmen, except that it would remove suspicion and a sense of caste and of inequality, which the law had created? Every argument which was used against the repeal of these laws was urged against the repeal of the old combination laws, which were the parent of conspiracy and crime, for, in his own neighbourhood, not less than 3,000 machines had been destroyed. But from the time of the repeal of the combination laws to the present time not a single machine had been broken. In that district there had been no strikes; and why? Because the masters had recognized these Trade Unions. No doubt when trade was bad the master put on the screw as tightly as he could; and Acts of Parliament had been passed to remedy the distress of the men. What had been the result? Why, that the Acts died as soon as they were born. It was as impossible by legislation to make masters and men act harmoniously as to compel husband and wife to live amicably together. It was said that combination had not raised wages, but it certainly had often quickened the operation. When men went in a powerful and united phalanx and asked for their rights it was impossible to refuse them. He believed that, on the whole, the country had been greatly the gainer by combination. With regard to the leaders of the working men in these Unions, he had often heard it said that they were persons who lived on the working men, and whose business it was to foment strikes. Now, he had known scores of those men, and he would assert that they did a great deal to prevent strikes, and especially to prevent outrages in support of strikes. When a spontaneous outbreak like that at Mold the other day occurred, and when the men rose *en masse*, it was generally found that they did things which would have been prevented if there had been an organization to hold them in check. What happened in France and Belgium? The combination laws of France were exceedingly rigid, and no meeting could be held without the presence of the Prefect or his deputies. The result was secret conspiracies and scenes such as occurred at St. Etienne the other day, where fifteen men were shot down, and at Roubaix, where machines were broken and all sorts of outrages upon property were committed. In Belgium there were frequent attempts on the part of the Government to repress combination among the workmen, and the result was that the miners were either shot down or chased about the country by the cavalry. We often heard that 10,000 men in the mining districts were on strike; but the country did not know why. The strike did not always arise from caprice; it was caused much more frequently by injustice. The *North British Daily Mail* had appointed a commission to investigate the complaints of the working men about Glasgow respecting the truck system which was carried on in complete violation of the law. One person who was paying £300,000 received nearly the whole of it back under the truck system, under which the men were obliged to put up with inferior articles. The men were the slaves body and soul of the masters. Some day the public would be scandalized to hear that 10,000 men in Scotland were on strike; but he said they ought to be on strike when such things occurred. He trusted the Lord Advocate would turn his attention to the evasion of the Truck Act, which was now notoriously going on in some parts of Scotland, and that, as the public prosecutor in that country, he would do something to put a stop to such practices. He hoped the House would not suppose that he was in favour of strikes, for he had done all he could to prevent them; and a substitute had now been found for the old system, arising from a feeling of equity, and a desire to promote the mutual interests of employers and employed, and to see how they could best aid and assist each other. The Royal Commission said they had investigated everything brought before them on the question of arbitration; and they concluded their Report in these words—

> "The establishment of Boards of Conciliation, such as those brought before us in Mr. Mundella's evidence, seems to offer a remedy at once speedy, safe, and simple, requiring no complicated machinery, no new mode of conducting business, no new Act of Parliament, or legal powers. All that is required is that certain employers and workmen should meet at a stated time to amicably discuss the common interests of their common trade and business."

Under such a system a peaceable and happy future might be anticipated. If the Commission should have no other result than the establishment of good relations between the master and the labourer, that would form a worthy substitute for the old practice. He, and others in his district, had tried it over and over again; and the right hon. Gentleman in the Chair, who knew the district, said that, whereas fifteen years ago it was the most turbulent district in England, it was now the most peaceful. That morning he had received a letter from the hon. Member for Durham (Mr. Henderson), who was largely concerned in the carpet trade, expressing his regret that he was unable to be present that day, and adding that his own firm had adopted the new system some years ago, and the result had been that, from the first day to the present, there had not been a single strike. The same hon. Member was largely concerned in the iron trade, and employed, directly or indirectly, 10,000 workmen. At Stockton, Darlington, Newcastle, Middlesborough, and other places, the masters had met the men, they had established boards of arbitration, they met together and settled matters, amicably, and there were no disputes. Ten years ago he (Mr. Mundella) stood almost alone on this subject; now fifty Boards of Arbitration were in existence, including several in various trades at Manchester, where the County Court Judge was usually the arbitrator. It was then hardly fair to take the black sheep and exhibit him to the House as a specimen of the flock. Within the last few weeks the great Parliament of North Germany had completely abrogated their combination laws, and Trades Unions were springing up among them with a rapidity of which we in England knew nothing. There were seventy Boards established in Berlin. "What a capital thing," said the English manufacturer—"in Germany;" but it was bad in England. He (Mr. Mundella) appealed to his countrymen through that House to give what aid they could to put an end to the terrible conflict between capital and labour. There was a disinclination among employers to sit down with their workmen; but they were equal in the sight of God: and when the two met together they worked heartily for each other. The English were the most practical workmen he ever met with. Talk to a French workman who wanted to improve his position, and he replied about the re-construction of society—that property was robbery, that he wanted a complete re-organization of the social system. The German was in favour of national labour. The Englishman went to work practically, and established co-operative stores. Within twenty miles of Manchester the workmen were conducting a business to the extent of £5,000,000 a year by co-operative stores. Again, the Amalgamated Engineers had spent a large sum of money in the maintenance of their sick. Masters and workmen ought to be equally free by law to combine, and all that was necessary was a law to guard well the rights of third parties who might be interested.

VISCOUNT GALWAY said, a Petition, signed by 468 workmen, who were non-Unionists, had been presented to the House a few days ago, stating that a Bill was before the House giving protection to Trades Unions. The petitioners, who were workmen employed at Mr. Hantsman's collieries, in and near Sheffield, stated that they, as Englishmen—

> "Feel indignant at the treatment they have received from their countrymen during the last twenty-two weeks, during which time many of their fellow-workmen have been on strike. The petitioners state that they have been daily insulted in the streets with opprobrious epithets, and have been repeadly struck on their way to and from their work; two of them have been shot at, and

> the petitioners' wives have been insulted, and outrages committed upon them; while some of the perpetrators of these acts are known to have received the counsel and support of Trades Unions."

The petitioners therefore prayed—

> "That while the House is legislating for the interest of Trades Unions such clauses may be inserted in the Bill as will give to the petitioners, and all Her Majesty's subjects, just and reasonable protection in their rights to 'freedom of labour.'"

That was a most reasonable prayer. He should offer no objection to the second reading, but the clauses would require great alteration in Committee. While relaxing the laws of combination, it would only be fair that the law should provide for the protection of the workmen, who did not belong to Trades Unions.

Mr. BRUCE said, he was certain that no Member of the House grudged the time that had been taken up in a discussion of so much importance. The House was especially indebted to the Mover (Mr. T. Hughes) and Seconder (Mr. T. Brassey) of the Bill, who had thrown so much light upon many disputed points connected with these societies, and who had supplied information which would assist the Government in future legislation. A general opinion had been expressed, in which he fully concurred, that a matter like this, affecting rival and competing interests, ought to be dealt with by the Government. If so, he might be asked why the Government had not been prepared with a Bill? The reason was that the Report of the Royal Commission was not made until the 15th of March, and from that time to the present the Government had been daily and hourly engaged on subjects of the greatest difficulty as well as of the greatest importance. They were grateful to private Members who facilitated the work of legislation by introducing measures to the House; and several Acts of importance had passed this Session by the judicious employment of the time devoted to private Members. It was not, therefore, on account of its introduction by private Members that the Government would offer any obstruction to the progress of the Bill; but he thought it must be felt by the House, and even by the Mover and Seconder of the Bill, that though it dealt with some of the difficulties of the case it would not be a complete and satisfactory settlement of the question before them. No one had stated more clearly than the hon. Seconder that if it became law further legislation would be necessary. The objects of the Bill were—first, to give the fullest security to the funds of Trades Unions; and, secondly, to do away with all the special legislation that injuriously affected the working classes. Upon the first point he thought there was little difference of opinion in that House; the great majority of the House was in favour of complete protection to the funds of Trades' Unions, although they might be applied to other objects than the funds of friendly societies. The recent decision in the Court of Queen's Bench drew attention to a state of things which must create astonishment in the minds of those who considered the matter. It was now admitted that great as were the evils of strikes, they were, in the present state of society, just as necessary evils as wars. In the recent case before the Queen's Bench the rules of the Trades Union authorized a part of the funds to be applied to the support of those who might be engaged on strike. Whether a strike was wise or unwise was a matter for the workmen to judge of, but could anyone say that it was illegal? He thought that while on many occasions strikes had been entered into foolishly, yet, on the other hand, they were often justified by the circumstances of the case; and not unfrequently they had led to the advantage of the workmen and of the employers themselves. The hon. Member who seconded the Bill had shown that increased wages were not necessarily injurious to the employer, and that high wages were often consistent with cheap production. And yet, because a portion of these funds could, under the rules of the Union, be applied to the support of those on strike, the Court of Queen's Bench had decided that they were beyond the protection of the law. That was a contradiction which ought to exist no longer. With regard to the limitation of the hours of labour, piecework, apprentices, and so on, there had been a universal consent of opinion that on these matters the Trades Unions had not been wisely advised. But the Unions were becoming wiser every day, and some of the best of them were abandoning principles which had brought discredit on them. He thought there would be no difficulty in altering legislation so as to give due protection to those societies whenever their objects were not of a criminal nature. The Bill, however, went further, and proposed absolutely to repeal the Act of George IV. upon which the legislation with respect to combinations rested. He admitted that the laws relating to this subject required re-consideration and change; and that a portion of them might safely be abrogated. He could not, however, say that it would be wise to adopt the language of the Bill and entirely repeal the present law, without providing something in its place. He admitted that all class legislation was, to some extent, offensive to the class affected by it; that it was objectionable in itself, and ought only to be resorted to in cases of great necessity. But Parliament had always been guided by experience, and the House had passed laws of class legislation which had met with special approval. What were the Factory Acts and the Truck Act but class legislation, passed in the interests of the working man? The present law, apart from the combination laws, made punishable all threats, intimidation, molestation, or obstruction exercised by workmen against each other in order to prevent them from engaging in employments and for other purposes. Was that law just and necessary or not? If it was necessary they might say it was just. The noble Lord who had just spoken (Viscount Galway) had read a Petition calling for increased protection against violent practices committed by Unionists against non-Unionists. Well, it seemed to him (Mr. Bruce) impossible to carry the law further than was now done; acts of violence, such as were described in the Petition read by the noble Lord were punishable—would be punishable even if no special law existed. The question the Government had to consider was whether any special legislation was required as to the proceedings of workmen towards each other. While he thought it desirable that all class legislation should disappear, he also thought that this particular legislation could not be dispensed with. Several instances of molestation had been given that were not punishable by the common law, and which everybody would desire to see punished. Acts which were innocent or harmless under some circumstances were of very serious importance under others. The hissing of workmen had been referred to. Sydney Smith, in his lecture upon association, said hissing might be foolish, tremendous, or sublime—

> "The hissing of a pancake," he says, "is absurd; the hissing at the first representation of a play sinks the soul of the author within him; the hiss of a *cobra di capella* is sublime—it is the whisper of death."

Most of them had been hissed on the hustings and regarded it with utter contempt, and he could not say that he felt much aggrieved when he was recently hissed in his own room by an ardent Sabbatarian deputation. When, however, a body of three or four hundred men continued, day after day, to dog three or four workmen to and from their work, the case was very different. It would inflict on those men an amount of moral torture and terror which would deter them from gaining their bread in the way they pleased. He believed that, in many instances, the parties who were guilty of these practices did not belong to Unions. He had long resided in a part of the country where there were no Unions, but where a strike had lasted for twenty-one or twenty-two weeks. During that time, every species of outrage had been committed, from simple molestation up to murder. Murder was committed, and the body of the murdered man was followed to the grave by hundreds of workmen, who, instead of feeling the solemnity of the occasion, joined in hissing and hooting, as if they were following a living renegade. Against this, and other outrages, there was only one general law which could be made applicable. But there were other outrages less violent, less capable of exact definition, which yet could not be safely overlooked. After a strike of some ten or twelve weeks, a great number of workmen gave way and returned to their work. By this time it had become dangerous to use actual violence. Another mode of molestation was accordingly resorted to; and the workmen were accompanied to their work by crowds of men, women, and children, who serenaded them with frying-pans and other noisy instruments, until they were either driven from the district, or forced to renounce their work. Now, the question was, were the workmen to be protected against offences of that sort? If so, they must have special legislation, directed, not against the class, but against the offence, though it would happen that the offence would be chiefly committed by one class. The Commissioners felt, indeed, that the law was sometimes carried too far, but were of opinion that some such law should be maintained for the protection of non-Union men and others. They were unable to suggest any alteration of the law. His own opinion was that alterations might be made in the law which would be acceptable to the whole community, even to the workmen themselves. Having recently seen many workmen, he could say they admitted that the evil was a great one, though, they said—"Guard against it, if possible, by other means than class legislation." Well, if it were possible to deal with this question without class legislation, Her Majesty's Government would be glad so to deal with it. He had only stated the doubts and difficulties in his own mind. The object was one which would require a great deal of calm and mature consideration, which could hardly be given to it during the bustle of the Session; but the whole subject would be carefully looked into, and he could not conclude without expressing his regret that, during the present Session, the Government had been unable to give effect to the suggestions that had been made to give security to the funds of these associations, and to define more accurately the offences of workmen against each other. But the Government were of opinion that this question should be dealt with once for all; wisely, comprehensively, and justly, and next Session he hoped, at the earliest moment, to lay on the table a measure founded on the principles he had stated.

Mr. SAMUDA said, he had listened with great pleasure to the speech of the right hon. Gentleman the Secretary of State for the Home Department upon this Bill, with the objects of which he had a deep sympathy. He had a great desire to see the funds of the working classes protected by legislation in all cases where those funds were applied to legitimate purposes. It was supposed by many that this Bill proposed to deal with the antagonistic interests of capital and labour; but when the principles of political economy were thoroughly understood, it would be found that those interests, instead of being antagonistic, were identical. How did the law stand at the present moment, with regard to this question. The Acts of George IV. and of Victoria might be regarded as having done away with the combination laws, subject to certain restrictions. Those Acts now gave workmen the most ample permission to combine upon all matters except those calculated to operate in restriction of trade, or against public policy. The majority of the Trades Union Commissioners proposed to maintain these restrictions, but still further to limit their scope—to this view he assented — and, beyond that point, he thought that the law should not be carried. During the last forty years, the power of fixing the amount of wages had passed from the masters to the Trades Unions, which he regarded as being very unfortunate, because it was calculated to interfere with the power of the employer and the employed to make their own bargains. It was not always that the Trades Unions were able to fix upon the just share that labour should receive out of the gross sum earned. For instance, in the case of the Thames shipbuilding trade, wages had been raised by means of the Trades Unions, about 15 per cent in seven or eight years, under the belief that the undertakings were very profitable, and that the workmen were not getting their fair share of the profits; and the result had been that the majority of the firms became bankrupt; and when their accounts came to be investigated, it turned out that no less than £1,000,000 had been paid for wages, over and above the amount that had been earned, by the advance of wages so demanded and obtained by the Unions; for the amount of labour which those establishments I have referred to as having disappeared employed could not have been less than 4,000 heads of families—which represented 20,000 persons supported by their industry. They could not have paid less than £5,000,000 in wages. They had failed, and their deficiencies were certainly over £1,000,000 —I think nearly £1,500,000 — and as £1,000,000 represented about 15 per cent upon the total wages paid, it led to the conclusion that if that 15 per cent had not been added to the wages, the catastrophe which had taken place might have been averted or greatly mitigated. In that case, owing to the action of the Trades Unions, both capital and labour had been overwhelmed in one common ruin. If matters were permitted to go on in that way, the whole of the export trade upon which this country relied would be lost. Under these circumstances, he was quite prepared to accept the view of the right hon. Gentleman, and to wait patiently for the introduction of some comprehensive measure on the subject during the next Session. He should offer no opposition to the Bill being read a second time, on the understanding that it would not proceed further.

MR. BONHAM-CARTER said, he trusted that, in the Government measure to be brought forward next Session, this question would not be mixed up with the question of friendly societies.

LORD JOHN MANNERS said, he thought no blame could attach to Her Majesty's Government for not introducing a measure upon this important and difficult subject during the present Session, and he quite approved of the general principles on which they proposed to deal with it next year. He only regretted that the right hon. Gentleman (the Secretary of State for the Home Department, had not informed the House what course the Government would take with respect to the present Bill. As he (Lord John Manners) regarded the Bill as utterly inadequate to meet the case, either of those who were within, or of those who were without the Trades Unions, he thought it would be preferable that the hon. Member for Frome (Mr. T. Hughes) should withdraw the Motion for the second reading.

MR. W. E. FORSTER said, he rose at the request of the right hon. Gentleman the Secretary of State for the Home Department to supply an accidental omission in the speech that right hon. Gentleman had just delivered, as to the course that her Majesty's Government proposed to adopt with regard to the measure before the House. Should the hon. Member for Frome (Mr. T. Hughes) not withdraw his Motion for the second reading it was the intention of Her Majesty's Government to support that Motion upon the ground that the time had come when the House should affirm these principles—first, that there was nothing in Trades Unions that should deprive their members of protection against robbery; and secondly, that the laws respecting combination, as they at present stood, should be repealed. After those laws had been repealed the Government would consider how far it was necessary to legislate for the prevention of coercion. In the opinion of the Government the working classes should have perfect freedom to combine, but all coercion should be prevented. Under ordinary circumstances, he admitted that where there was no chance of the measure becoming law in the course of the current Session, it was better not to pass its second reading; but in the present case, when such a great interest was felt upon the subject throughout the country, he thought the hon. Member would only be right in giving the House an opportunity of expressing its approval of the principles which had received the almost unanimous assent of both sides of the House. As an employer of labour himself he felt that the conclusion come to by the House upon this subject would operate in promoting a good feeling between masters and workmen throughout the country,

MR. HENLEY said, he only rose to express his regret that this agitating question, which kept employers and employed so far apart, was to be left in abeyance until next Session. What had taken place since 1866 had confirmed him in the opinion that Trades Unions had been treated most harshly and most unjustly, the law being allowed to remain in such a state that any one could rob them with impunity. The existing law should therefore be altered in their favour as speedily as possible.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

## SAVINGS BANKS AND POST OFFICE SAVINGS BANKS BILL.

Resolution *reported;*

"That it is expedient to amend the Laws relating to the Investments for Savings Banks and for Post Office Savings Banks, and to empower the Commissioners of the Treasury to convert certain Terminable Government Annuities standing in the names of the Commissioners for the Reduction of the National Debt, on account of such Savings Banks, into certain other Terminable Annuities chargeable on the Consolidated Fund of the United Kingdom, or the growing produce thereof, and payable annually."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. DODSON, Mr. STANSFELD, and Mr CHANCELLOR of the EXCHEQUER.

Bill *presented,* and read the first time. [Bill 199.]

House adjourned at ten minutes before Six o'clock.

# HOUSE OF LORDS,

*Thursday*, 8*th July*, 1869.

MINUTES.]—Public Bills—*First Reading*—Contagious Diseases Prevention (Metropolis)* (176); Shipping Dues Exemption Act (1867) Amendment* (178).

*Second Reading*—Bankruptcy* (154); Imprisonment for Debt* (168); Municipal Franchise (200).

*Third Reading*—Life Peerages (113), *negatived.*

## REPRESENTATIVE PEER FOR IRELAND.

Writs and Returns electing the Earl of Bantry a Representative Peer for Ireland in the room of the late Earl of Wicklow, deceased, with the certificate of the Clerk of the Crown in Ireland annexed thereto—*Delivered* (on oath), and certificate read.

## REPRESENTATIVE PEER FOR SCOTLAND.

The Clerk of the Parliaments delivered a certificate of the Clerk of the Crown that the Earl of Kellie had been elected a Representative Peer for Scotland (fifteen Peers of Scotland only having been duly elected at the election of the Peers of Scotland to sit in the House of Peers in the present Parliament of the United Kingdom): Certificate read.

## LIFE PEERAGES BILL—(No. 113.)

(*The Earl Russell.*)

### THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3$^{a}$."—(*The Earl Russell.*)

The Earl of MALMESBURY: My Lords, I have given notice, even at this late period of the Session, that I shall feel it my duty to oppose the Bill of the noble Earl (Earl Russell), and to move that it be read a third time this day three months. It is now exactly three months since the noble Earl introduced it, and it is for him to explain why he has allowed it to remain so long under your Lordships' consideration; but I believe the more you have seen of it the less you have liked it. The object of the noble Earl in bringing forward this Bill is no doubt a very worthy one. It is, as I understand, to strengthen the practical powers of this House and increase its prestige, and to enable eminent men who do not possess a large fortune to sit in the House without transmitting to their descendants the expenses, or supposed expenses, of an hereditary peerage. Now, I venture to think that this House requires very little increase of practical power and prestige. I am aware that many persons, both in their speeches and writings, have represented that this House is not on a level with the opinions of the time, and that it cannot, therefore, march *pari passû* with the House of Commons; but that does not appear to me to be the case. What, let us consider, is the composition of this House as the oldest legislative body in Europe, and as the highest in character and general respect? Some persons have said that it is a House of mere landowners—that is, men of a sort of upper-class farmers; and being so, that they are not as fitted as they might be for the consideration of the general questions which agitate the political world. But is that the fact? Of course many of us are landowners, and are not, I think, as such, incapacitated from considering general questions; but it is not true that we are only landowners. Property of every kind belongs to Members of this House. We are not only owners of land, but owners and even lessees of mines and other industrial property. Among us there are also bankers, railway directors, and men most eminent for their knowledge of commercial affairs, such as the Marquess of Salisbury and other Peers. There are others who are eminent officers of the Army and Navy, who are ready to enter upon discussions of interest to your Lordships relative to those professions. There are more than fifty Peers who have been eminent and distinguished Members of the House of Commons. There are eminent diplomatists, like Lord Stratford de Redcliffe and Lord Cowley. There are historians, among whom I may name my noble Friend behind me (Earl Stanhope), who, if ever your Lordships were mistaken on any point of history, would set you right. There are writers both of prose and poetry, including my noble Friend opposite (Lord Houghton) and another noble Lord (Lord Lytton), than whom no English writer can be more distinguished. There are twelve or fifteen Peers, who possess immense property in this metropolis, and who can assist us in discussions on property, and who are conversant with the wants of the middle and lower classes. There are eminent lawyers, and a great number of magistrates accustomed to judicial decisions, many of them being chairmen of quarter sessions. Now, if your Lordships consider this catalogue of Peers with various qualifications, is it possible to suppose that a legislative Assembly can be more complete in its construction than the House of Lords is? This Assembly, as I understand it, has existed for about three centuries, and I am not aware that at any period it has done anything to derogate from its character and dignity. It is not for a Member of the House to say much on the subject; but during the last few days or weeks your Lordships — according to the opinions of the public Press, and of public opinion everywhere expressed—have most creditably in the eyes of the country maintained your powers of debate and your general capacity in considering important subjects. Well, that being the case, I ask your Lordships whether you think there is any necessity for altering one of the fundamental rules of our Constitution—namely, that peerages should be hereditary. I venture to think there is not. When I consider the opinion of the noble Earl himself, that such a measure as he has proposed is necessary in order to popularize this Assembly, I feel compelled to differ from him altogether. We have had what may be considered the test of the opinion of the people transmitted to us recently by a Gentleman supposed to represent the more popular opinions of the day, and one at the same time representing Her Majesty's Government. That right hon. Gentleman has publicly declared that this Bill is but a childish tinkering of legislation. It is no less a person than Mr. Bright, a distinguished Member of Her Majesty's Government, who has expressed himself thus. Now, I want to know whether Her Majesty's Government generally agree with Mr. Bright on this point? At all events, so far as the argument of the noble Earl goes as to the necessity of such a Bill in order to make this Assembly more popular, I think the evidence of the right hon. Gentleman in question is worthy of consideration, for he is supposed to know pretty well what the popular opinion is, and it would be hardly fair to make this an exception, and to assert that he cannot answer for popular opinion on this subject. The noble Earl's second reason for introducing the Bill was that it would give an opportunity to men of eminence and ability, but without fortune, to enter this House. Now, he has not given any names to prove that any eminent men who would have done good service in this Assembly have refused peerages on account of their being hereditary. It would be hardly becoming to mention the names of living persons; but I may mention two very eminent men who declined entering this House because they had no children; and I have always thought it one of the noblest feelings of human nature, that a man should not be ambitious of a seat in your Lordships' House, from any selfish vanity, but in order that he might transmit the honour to his descendants. Your Lordships will probably recollect the very touching letter written by Mr. Burke to Mr. Pitt, when, being offered a peerage, he said that ambition and life had lost all interest in his heart since the death of his only son. On that ground, he refused a peerage; and Lord Kingsdown—whose death has been so great a loss to this House—to my knowledge, more than once refused to accept a peerage—although he was so eminent in his profession, and was so calculated to confer honour on the House—because he had no family. It is true that, ultimately, he felt it his duty to accept it. It is supposed that there are men who would accept life peerages; but I very much doubt whether any such men as your Lordships would wish to enter this House would do so. Of course, there are persons ready to accept anything that is offered them; but these are not the men whose admission the noble Earl contemplates. It appears to me that they would stand in such a false position that no men, with the usual amount of pride and self-respect would accept these peerages. They would not be your Lordships' Peers, according to the true sense of the expression, because they would not be your equals in respect of privileges. They would not transmit the title to their descendants; and they would, therefore, be on a different and lower footing from the rest of the House. They would not be nobles, because the very essence of nobility is the succession of the title to posterity. They would thus be in a false position, to say nothing of the equivocal position of their families, both sons and daughters. I do not think, therefore, the noble Earl would easily get such recruits as he wishes, and such as your Lordships would like to see added to this Assembly. If, however, such recruits could be got, observe the political power which would be given to a Prime Minister. I have seen in the public prints a suggestion that a man with such a philosophic mind as the late Member for Westminster (Mr. Mill) might very properly be made a life Peer, if such a measure as the present were passed. Now, I do not think that that was a good illustration of the advantage supposed to be derived from this measure; for supposing the noble Earl had been Prime Minister, and had created Mr. Mill a life Peer under this Bill, he would certainly not have popularized this House by admitting a man who had just failed in an attempt to get a seat in the House of Commons by popular election. Life peerages would present a temptation to a Minister, much more than is the case with hereditary peerages, to create Peers in order to gain political strength; and, if they were courted, the result would be that the Minister would every year have before him a list of candidates for that distinction. Thus, if the noble Earl's expectations be correct, there would be great objection in a political point of view. Mr. Bright has spoken of the Bill in terms of the utmost contempt; and whether or not he is right in thinking this Bill would give no satisfaction to the middle and lower classes, it is my belief that persons who accepted those peerages would find them attended with such inconveniences that they would regret having done so. At all events, I think that it has not been proved that this change in our ancient Constitution is necessary or expedient; and, in the absence of such proof, I protest against a change in our Constitution, which has been in successful operation for more than three centuries. For these reasons it is that I move that the Bill be read a third time this day three months.

Amendment *moved* to leave out ("now") and insert ("this day three months.")—(*The Earl of Malmesbury.*)

LORD LYVEDEN said, he could not for a moment conceive that the creation of life peerages would so completely alter the constitution of the House as seemed to be supposed. He agreed with the noble Earl that this House contained many valuable Members, men both of intelligence and wealth, nor did he think it was advisable to attempt to give it more of a representative character. This Bill would certainly have no such effect, for naval and military men were not generally conversant with the feelings of the people, nor did the legal profession induce men to acquire that knowledge, while diplomatists were accustomed to move in an altogether different sphere. He approved the Bill, however, not as being likely to add to the strength or reputation of the House, but on the ground of convenience. What was it that it was proposed to do? A seat in their Lordships' House was considered to be the greatest honour that a man could arrive at; but at present this honour could not be bestowed upon military men, who had attained to great distinction in the military profession, unless the country provided a fortune for the Peer and his two successors to maintain the dignity. This was virtually creating pensionary Peers, and was extremely objectionable, for it resulted in a pauper peerage, and the third succeeding Peer, being excluded from the profession of the Bar and from commerce, the two most honourable and easy means of making a fortune, had no fortune adequate to the dignity of the peerage, and was, therefore, reduced to a mercenary marriage, or to some other mode of achieving a fortune which was not creditable. It was very unfortunate that men should be placed in a position in which they could not sustain the honour that they had attained. He did not think that the creation of military peerages would increase the reputation of their Lordships' House; but he thought that there should be facilities for conferring that honour. The recent debates, as the noble Earl had remarked, had immensely added to the feeling in favour of the House, owing to the spirited and intelligent manner in which they had been conducted, and to the independence which their Lordships had shown, the right rev. Bench having shown that it included some of the first orators in the country. As to the legal profession, that stood, in reference to peerages, almost in the same position as the military profession. His own opinion was that the best way would be for the Legislature to make *ex officio* legal peerages, and confer such peerages, for instance, on the Chief Justices of England, Ireland, and Scotland, the Master of the Rolls, and other men eminent in their profession. This would add to the legal strength of the House, and would be a stimulus to the Bar, while the peerages being *ex officio*, there could be no inferiority attached to them. For the sake of convenience only, and not from any representative view or for the reform of the House of Lords, he should vote for the Bill. Shorn as it was of its fair proportions, he did not know whether it was worth while to persevere with the Bill, and he much regretted the decision of the House in the Wensleydale case. The limitation of the life peerages to two in a year would lead to a canvass and to pressure being brought to bear on the Government whenever there was one left open. He agreed, however, with the noble Earl that there would not be much eagerness in accepting these peerages. Still, there might be men who disliked undergoing contest for a seat in the House of Commons, but who would be useful Members of the Legislature. He remembered being told by a most eminent man, the late Sir Charles Metcalfe, on coming home from India, that he had every qualification for a seat in Parliament, his political views being of the most extreme kind, as they were then—twenty years ago—considered. He was in favour of the Ballot and household suffrage, and he had introduced a free Press in India, and had done other things which everybody else shrank from, but somehow he could not face a hustings mob, and was thus disqualified for a seat in the House of Commons. No man could have been more fitted for the House of Lords, and luckily, having no children, he was able to accept an hereditary peerage, but had he had a family he could not have done so. In a few cases of this kind the Bill would prove beneficial; but the annual creations having been reduced to two, he feared it would be of very little use.

EARL STANHOPE said, that having lately addressed their Lordships upon this Bill, he would trouble them with only a few words upon the present occasion. He still retained the opinion that he expressed when the Bill was first introduced; and he thought that with the limitations that the Bill had now received, it was worthy of their Lordships' support. His noble Friend who had moved the rejection of the Bill (the Earl of Malmesbury) had laid great stress upon the fact that Mr. Bright had spoken very unfavourably of it. He, however, conceived that this was not an argument which should have weight on this side of the House. In the first place, he did not think that the fact that Mr. Bright was opposed to the measure would be a sufficient argument to induce their Lordships to persevere no further with it, for he feared it often happened that they contemned that which Mr. Bright honoured and honoured that which Mr. Bright contemned. But further still, if, as some Members of this House seemed to believe, Mr. Bright were in truth unfriendly to the hereditary branch of the Legislature, he would of course dislike and gainsay those very measures by which the stability of that branch would be best promoted. As to this being an experiment, he maintained that the Members of the right rev. Bench were, to all intents and purposes, life Peers. It was true that a noble Earl (the Earl of Derby), in his speech on going into Committee, while approving generally the principle of the Bill, contended that Bishops were not life Peers, because their peerages depended upon nominal baronies, but this was merely a technical distinction. The question was not by what tenure a Member of the House sat, but whether on his death his dignity and seat descended to his heir, and if this was not the case it was, for all practical purposes, a life peerage. The example, therefore, of the right rev. Bench furnished a precedent for this proposal, and its very narrowness ought to commend it to their Lordships, since they would run no danger of being led on further than they wished. It would open the doors of the House to eminent men of the legal profession, and others who were highly qualified in every respect, but were not possessed of a sufficient fortune to enable them to accept hereditary peerages. Their Lordships were acquainted with the case of a most eminent and distinguished ornament of the House — he meant the first Lord Denman—who, for a long time, refused a peerage because his fortune was not, in his judgment, adequate at that time to the support of hereditary rank, and there were other cases in which life peerages might be useful. There had recently been a discussion whether the Bishops of the Irish Church should retain their seats in this House after the passing of the Disestablishment Bill, Now, had the principle of life peerages been in operation, the Crown might have conferred that honour on the two Archbishops of the Irish Church, whereas, under present circumstances, it seemed to him that for Prelates of a disestablished Church to retain their seats was repugnant to the principle of disestablishment as admitted by the second reading. He said this with regret, in the presence of one of those most rev. Prelates, and with the sincerest wish that by such a system as that of life Peers, he might continue to be a Member of the House; but, that a Prelate of a Free Church should have a seat in this House, could not be defended on any principle known to the present Constitution. This question was determined the other night without any division being taken; but, if a division had been called, he should have been compelled, with whatever regret, to vote against the continuance of the Irish Prelates in Parliament, after the passing of the Irish Church Bill. He knew, too, that several Peers on his (the Opposition) side of the House took the same view. The Wensleydale case was the first question to which his attention was directed on becoming a Member of this House, and he thought then, as now, that an unlimited power of creating life Peers would be fatal to the independence of the House; but when the annual creations were restricted to two, and when the Government would be by the terms of the Preamble held responsible for the selection of qualified persons, he could see no ground for apprehension, and he should, therefore, vote in favour of the Bill.

**Earl GRANVILLE**: After the speech of the noble Earl (Earl Stanhope) in so much of which I agree, I should not have risen if I had thought there was much question at this stage of the Bill of discussing its merits and demerits, for it appears to me we are beyond that. I shall certainly support the noble Earl (Earl Russell), not merely on account of personal and political ties, but because I think he has been treated on this subject in a manner which he had no reason to expect. There was a debate on the first reading of the Bill, which is not usual, and there was another debate on the second reading. On the latter of these occasions the noble Earl (Earl Malmesbury) was consistent, for he objected to the Bill, but otherwise there was a general concurrence of opinion in its favour. [Lord

Denman: No!] It was shown by the vote in its favour. With regard to the speeches made, the noble Marquess (the Marquess of Salisbury) said he regarded the Bill as sound in principle [the Marquess of Salisbury: Hear, hear!]; and though the noble and learned Lord (Lord Cairns) gave a much less cordial support to it, he said it depended entirely on its details. What happened when we got into Committee? Formidable Amendments were proposed on different sides, but after a long discussion we came to a unanimous compromise. Since then nothing has occurred that I know of which should induce your Lordships to form a different opinion respecting the Bill, and I cannot therefore understand why we are now asked to reject it altogether. Allusion has been made to what Mr. Bright said in a letter which, I think, has received quite sufficient consideration in this House. I have great regard for the opinion of Mr. Bright, both as a Colleague and as a friend; but I earnestly protest against that sort of omnipotence being given to Mr. Bright that if he chooses to make a joke, whether your Lordships think it good or bad, on any of your proceedings, you are immediately to be diverted from a course which you originally thought it wise and expedient to take. Then it has been said—" But Mr. Bright is a Member of the Government," and all I can say is that if this Bill should go down to the other House, Mr. Bright would certainly vote for it. I stated from the first that this was not a Government measure, my noble Friend having introduced it as an independent Peer, in order to divest it of any party bearing. The Government have given it here the same support which it will receive from them if it goes down to the House of Commons, and I am at a loss to know what are the grounds on which your Lordships are asked to come to a decision exactly contrary to that at which you arrived on the last stage of the Bill, when you unanimously agreed to a compromise.

**Lord CAIRNS**: The remarks of the noble Earl (Earl Granville) call for a few observations from me. This Bill was introduced into the House a very long time ago—I think before Easter—having regard to the length of the Parliamentary Session; and at that time the attendance in your Lordships' House was by no means so large as it has since become. The subject of it was very novel, for since the decision in the Wensleydale case this question had entirely slumbered, and in that case the point was whether the Prerogative of the Crown had been rightly exercised or not, and not whether an alteration of the law should be made enlarging the power of the Crown for the creation of life Peers. Under these circumstances, it is not to be wondered at that on the introduction of the Bill the opinions of your Lordships were very much unformed on the subject, and that very little debate arose. On the second reading, which, I think, was immediately after Easter, I remarked that the Bill might, under certain circumstances, have some advantages, that it depended very much on the details, and, although I should think it my duty to propose some Amendments, I reserved to those around me—who, I believe, were very few at the time—perfect liberty to take such a course as they might think fit on the third reading. I have never concealed my sentiments on this Bill; but I am not going into the matter over again. It appeared to me, in the first place, that the Bill had this about it—that you would by it be creating an inequality that is at present unknown in this House; for I do not admit that the position of the right rev. Bench is at all analogous to the present proposition. They hold their seats by virtue of their offices, and their successors in office are their successors in the Peerage. Then the next objection is this—that it being admitted on all sides that we must limit the Bill in some way, it was agreed that there should be provided an annual limit to the number of Peers created, and the question became one of degree. In the case of hereditary Peers, we all understand that there are at all times a certain number of applications to the Minister for the favour of the Crown. The Minister may, however, say—"I am not going to recommend the creation of any Peers at present," and that is a sufficient answer to the application; but when you say that the Minister shall have power to recommend the creation of two life Peers in any year, they become much more like offices than anything else. The inevitable consequence is that pressure would be put on the Minister every year to go up to the maximum, and if towards the end of the year two Peers had not been made there would be applications to which he would be obliged to accede, for he would otherwise have to tell them the reason why he did not recommend them. If some faithful adherent requests the favour of the Crown, a Minister cannot say—"I have great respect for you, but I must tell you that you are not the sort of person these life peerages were intended for. They were intended for men like Dr. Jenner, or Sir Joshua Reynolds, or Watt, and you therefore cannot have this life peerage." The consequence will be that, there being two vacancies to be filled up, filled up they will be, whether the persons promoted are those who rise to the standard of the noble Earl or not. My third objection was, that though, in some possible cases, there might be benefit from the Bill, it is extremely small, and for the purpose of obtaining that small benefit you are opening up the constitution of this House, and sending it down for discussion in the other House. I should not shrink from that danger if there were any great benefit to be obtained; but it is by no means desirable to run that great risk for the smallest possible amount of benefit. The only benefit suggested is that there might be some persons—for it has never been proved that there would be—who would be very desirable Members of this House, but who might be unwilling to accept an hereditary peerage. These are the views I have always entertained; but even with these views, unfavourable to the Bill, I should not, on the third reading, especially after what was done in Committee, have thought of voting against the Bill but for what has happened since. I do not say that the noble Earl has not pressed the Bill in every way in his power; but the third reading is not fixed till very nearly the middle of July, the House of Commons is very much occupied, and will probably be still more occupied for the remainder of the Session. If it goes down it cannot be considered there until just the close of the Session, and if alterations are made, those alterations, it is not unlikely, will be questions of great interest to your Lordships, but they will come back for re-consideration at a time when the attendance here cannot possibly represent the feelings or sentiments of the House. That is very undesirable. If our business were so arranged that the Bill could go down to the House of Commons for consideration at the beginning of next Session, and could come back to us early in the Session, it would be a different thing. Another circumstance which has changed the position of the question is this—It was understood at an early stage of the Bill that the Government, though it was not their Bill, thought great advantage would result from it and would be prepared to recommend it elsewhere with the whole united force of the Government. Upon the Report, however, the noble Duke opposite (the Duke of Argyll) pointed out the great dangers and difficulties of legislation of this kind in a very able way, and though he did not announce his intention of opposing it, he took care to say everything which a very powerful speaker could say against it. He impugned the reasons on which many Members of the House had supported it, and argued that if it was to be supported at all it must be on the very narrowest grounds—grounds which hardly warranted supporting it in any degree. With regard to Mr. Bright's opinion, I do not wish to say anything invidious; it is sufficient to know that a Member of the Government has described it as a childish piece of tinkering. These two circumstances show that it is utterly impossible that it can be commended to the other House by the united support and approbation of the Government, for it will be in the power of Members of the other House to contrast the provisions of the Bill with the opinions expressed by two Members of the Government. Under these circumstances, we should be doing a dangerous and unwise thing, at this period of the Session, to send it down to the House of Commons; and for these reasons, and these alone, I shall vote for the Amendment.

Earl RUSSELL: I have, at previous stages of the Bill, explained my objects in bringing it forward, and answered the objections which were taken to it. It is, therefore, unnecessary for me to travel over that ground. With regard to raising the reputation of this House, I never pretended that this House required anything of the kind, and after the debates which we have lately heard this would be about the worst moment for questioning its capacity or character in carrying on legislative business. There are, however, persons who from time to time would be very considerable ornaments to this House, and not only so, but would be very useful in the discussion of certain questions, some of whom might not happen to have sufficient means to enable them to accept the burden of an hereditary peerage. The noble Earl (the Earl of Malmesbury) says such persons would refuse life peerages; but I do not see why this should be the case. The noble Earl mentioned the late Lord Kingsdown, who was a great ornament to this House and whose presence there was very useful, but who for some time refused a peerage, and if he had had any family would probably have persisted in that refusal. I do not see why the peerage should be confined to those who have large means, and to those who have neither large means nor large families. A man of great merit and great ability may happen to have a small fortune and a large family of children. I do not pretend that there would be any considerable advantage in making this change in the constitution of this House; but there are obviously cases in which it would prove very useful, and some of those who object to this Bill do so because they wish for a much larger change. The Wensleydale case has been alluded to, and I must say that the resolution which the House then adopted was a most extraordinary one. It appears to me entirely arbitrary, and to have been dictated by the spirit of party. A similar attack on the Prerogative of the Crown was made shortly after the Union with Scotland, for it was contended that no Scotch Peer could be created an English Peer. That Resolution, however, was ultimately reversed. I hope that, after the full consideration the Bill has received, your Lordships will not reject it at this last stage.

Lord DENMAN said, the noble Earl who introduced the Bill (Earl Russell) had been compelled to produce the Abyssinian Papers by a majority of only 1; and if there had been one soldier life Peer in the House the Motion would have been defeated. It had been stated that it would be an advantage to the House if certain Judges were to sit *ex officio*. He knew no learned Judge who would wish to sit in that way. There was a great dearth of Law Lords in the House, in 1856, when the question of life peerages was brought forward, but now there were a great number of Law Lords. The noble Earl (Earl Russell) had spoken of Hallam and other eminent persons, most of whom were bachelors, and who probably would have declined the honour of a life peerage; and as for Mr. Watt, he was so interested in the researches which he followed that he would not be likely to give up his time to political discussions. It was said by Mr. Drummond that if he were for any reform, it would have been for reforming that House, and he referred to the authority of Sir William Temple. He had looked into Sir William Temple's works, and he seemed to have wished to diminish the number of their Lordships' House, instead of increasing it. Sir William Temple appeared to think that no Duke should have less than £8,000, no Marquess less than £7,000, no Earl less than £5,000, no Baron less than £4,000, entailed on his family. In 1818, the subject of diminishing the Peerage was brought forward with the assent of the Sovereign; but an ancestor of the noble Lord who had now spoken in favour of life peerages said that it was so distasteful that it was put off for a year. Perhaps the best course, under present circumstances, would be if this Bill were postponed for twelve months.

On Question, That ("now") stand part of the Motion?—Their Lordships *divided:* — Contents 76; Not-Contents 106: Majority 30.

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Camperdown, E.
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Cottenham, E.
Dartrey, E.
De Grey, E.
De La Warr, E.
Fortescue, E.
Granville, E.
Grey, E.
Kimberley, E.
Lichfield, E.
Minto, E.
Morley, E.
Powis, E.
Russell, E. [*Teller.*]
Saint Germans, E.
Stanhope, E. [*Teller.*]
Stradbroke, E.
Winchilsea and Nottingham, E.
Zetland, E.

Eversley, V.
Halifax, V.
Hood, V.
Leinster, V. (*D. Leinster.*)
Lifford, V.
Powerscourt, V.
Sydney, V.

Chester, Bp.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Camoys, L.
Charlemont, L. (*E. Charlemont.*)
Clermont, L.
Clifford of Chudleigh, L.
De Tabley, L.
Dunning, L. (*L. Rollo.*)
Ebury, L.
Fingall, L. (*E. Fingall.*)
Foley, L.
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Keane, L.
Lawrence, L.
Leigh, L.
Lurgan, L.
Lyveden, L.
Meredyth, L. (*L. Athlumney.*)
Methuen, L.
Monck, L. (*V. Monck.*)
Mostyn, L.
Northbrook, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*)
Romilly, L.
Rosebery, L. (*E. Rosebery.*)
Rossie, L. (*L. Kinnaird.*)
Sandys, L.
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Sefton, L. (*E. Sefton.*)
Seymour, L. (*E. St. Maur.*)
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Vernon, L.

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Buckingham and Chandos, D.
Manchester, D.
Northumberland, D.
Richmond, D.
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Ailsa, M.
Bath, M.
Bristol, M.
Exeter, M.
Tweeddale, M.
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Abergavenny, E.
Amherst, E.
Bandon, E.
Beauchamp, E.
Bradford, E.
Brooke and Warwick, E.
Brownlow, E.
Dartmouth, E.
Derby, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*) [*Teller.*]
Ellenborough, E.
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*Resolved* in the *Negative;* and Bill to be read 3$^a$ on *this day three months.*

## BANKRUPTCY BILL—(No. 154)

(*The Lord Chancellor.*)

### SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR: In bringing this Bill before the attention of your Lordships, I feel, in the first place, that a few words are due from me in explanation of the fact that the measure comes to us from the other House. It was the desire of some of your Lordships, particularly of my noble and learned Friend on the left (Lord Cairns), that the Bill should have been first introduced into this House early in the Session instead of into the House of Commons; but, my Lords, the motive which influenced me to adopt the course pursued has been justified by the result. This Bill pre-eminently concerns the interests of trade and commerce; and not only have we Gentlemen in the House of Commons eminently qualified to consider the subject in those interests, but we have also in that House a number of Gentlemen, members of the Bar and solicitors in practice, competent to form an opinion on the details of the Bill as affecting a mercantile community, and also upon its principles. I feel, my Lords, that no apology was needed for having brought the subject of bankruptcy under the notice of Parliament this Session, because for several years past Bills have been introduced for the purpose of amending the law, and I am thus very far from claiming any special credit for the particular Bill now before us—upon which, however, I have certainly bestowed great attention—because I have profited in my consideration of the subject by proceedings in reference to the Bills, first of my hon. and learned Friend (Sir Roundell Palmer) in 1866, then of Sir John Rolt in 1867, and then by my noble and learned Friend who sits on my left (Lord Cairns) in 1868. I, therefore, claim no credit whatever for proposing any new scheme or system. All I do claim credit for is having most seriously considered all the information that I could obtain upon the subject. I simply endeavoured, from the various documents placed before me, aided by the results of my experience, to prepare such a Bill as might prove generally acceptable to that part of the community who were more particularly interested. Hitherto the Government has been successful with this measure, for, thanks to the very clear statement of the Attorney General, it has been received from the first moment to the last with considerable favour, and I believe none of its important provisions have been very seriously modified. After all the consideration the subject of bankruptcy has received I shall not weary your Lordships by any historical disquisition upon it, but will rapidly review the course of the Law of Bankruptcy since the year 1821, when the law was consolidated. In that year the laws relating to debtors engaged in trade—and it is to be observed that a distinction was drawn between traders and non-traders—were consolidated. Up to that period they were scattered over a variety of statutes and books of practice, but were, as I have said, consolidated at that time. That Bill worked well, and without any very great dissatisfaction being expressed, up till the year 1831; but at that period dissatisfaction was expressed at the constitution of the tribunal invested with the power of deciding questions in bankruptcy. I refer to the Commissioners in Bankruptcy, who fulfilled various functions, including that of being Judges. This system was very much disliked, and it was further found that the assignees did not answer the purposes for which they were intended as well as was desirable. Accordingly, in the year 1831, a Bill was introduced by Lord Brougham to establish a Court of Bankruptcy, and to introduce official assignees, in whom it was thought the general creditors might have more reliance. After this, things went on till the year 1849, when a considerable change took place with reference to the whole Bankruptcy Law. A new consolidation of the laws was effected, and there was introduced a principle which, at that time, was thought desirable, namely, the principle of giving several classes of certificates by which the Judge could regulate his punishments and inflict whatever measure of it he thought proper. After this had been done the Bankruptcy Acts were found to work so unsatisfactorily that, in the year 1854, a Royal Commission was appointed to inquire into the causes of the great diminution of the funds of bankruptcy used for the payments of the Courts, and also to decide what should be done with reference to the official assignees who did not prove so great a success as was anticipated. My noble and learned Friend near me (Lord Chelmsford) introduced a Bill, in 1859, founded upon the Report of that Commission, well calculated to remedy those defects; but, although it was read a second time, a change of Ministry prevented its further progress. After this Lord Westbury, in 1861, introduced a Bill, which passed and brought about many beneficial reforms, but brought with it also some serious inconveniences. It was beneficial, in the first place, by abolishing the distinction between traders and non-traders. but was defective in another point. Lord Westbury was very desirous that the debtor himself should have an opportunity of declaring, at the earliest possible moment, that he felt himself involved in difficulties, was unable to meet his engagements, was desirous of making an immediate abandonment of his property in favour of his creditors, and was desirous of making application for proceedings in bankruptcy, which, up till that time, it was not competent for him to do. But, unfortunately, though well conceived, the plan was found to work unfavourably to the creditor, because it left a loophole for fraud, and of this I can speak from personal experience, as president of a Court of Appeal in cases of bankruptcy. The fraud was committed in this way—A debtor was allowed to obtain the concurrence of his creditors to wind up his affairs by arrangement, instead of by passing through the Court; and it happened that if he were indebted on Bills of Exchange he managed to keep them out of his account, on the plea that he could not tell who possessed them, and the holders of them were not included among his creditors. Then, every creditor voted, and fraud was frequent by the bankrupt having given security for, say, £2,000 to a creditor for some £3,000, in order that he might go to the meeting and vote in the debtor's favour against those wholly unsecured. To meet this defect in the law Mr. Moffatt, who was then a Member of the House of Commons, selected particular clauses to deal with this particular difficulty, and in 1861 he carried a Bill providing that in all these arrangement deeds the debtors should not merely state the amount of debts, but should give the names and addresses of the creditors and swear to the truth of the statement. This was considered to be necessary, because it was found that fictitious debts had been manufactured in order to enable a debtor to pass through the court and to be whitewashed of his debts. That this species of fraud did take place I can prove by reference to some Returns that have been drawn up, which show the number of persons who availed themselves of these deeds before and after the gentleman I have referred to took the matter in hand, and the clause of the Bill of 1861 was passed. From the 11th October, 1867, to the 11th January, 1868, there were no less than 2,010 deeds executed; while from the 11th October, 1868, to the 11th January, 1869, only 804 were executed. During the first of these periods, again, only 33 per cent was divided among the creditors; while during the latter 66 per cent was divided. These figures show the extent of the fraud which was formerly perpetrated and the advantage gained by the passing of the measure. I now proceed to state what it was led me to devote my attention to the preparation of this one measure in preference to other measures of legal reform. I found that there had been all the measures upon this subject which I have named, and when I was called upon to take a part in public affairs, on the 9th December, there was only an interval of ten weeks before the Session. With the details of the Irish Church Bill to be considered, I did not feel it possible for me to undertake more than one other subject, and therefore I gave my attention to this. Consulting the opinion of men engaged in business, as expressed by the Chambers of Commerce, and having regard to the several Bills which had been introduced, I found one thing which accorded with my own experience pretty clearly established, and it was that there was a strong desire that creditors should be left more to the management of their own affairs, and that the object of the Court should be, first, to take care that justice was rendered to those who might be considered weak—namely, the smaller creditors, who, though a majority in number, might be a minority in the value of their debts; and second, to take care that there was a full disclosure by the bankrupt of all his assets and a secured realization of them. Subject to these two conditions, I found there was an increasing desire that creditors should be left to manage their own affairs upon a principle which was adopted some time ago in Scotland. For the sake of avoiding disappointment hereafter, I may say I do not find the Scotch system quite so cheap as it has been represented to be. As your Lordships are aware, there are three methods adopted in the winding up of companies; they may be either wound up by the Court of Chancery, or wound up voluntarily without the interference of the Court, or they may be wound up voluntarily under the supervision of the Court; and, as the result of my experience in every case that comes before me, I recommend, and, if I can, I enforce, winding up under the supervision of the Court, which I believe to be the best mode to adopt in the winding up of a company. The aim in bankruptcy is to secure a man's assets, as speedily as possible after he is known to be in a hopeless condition, for the equal benefit of all creditors; and the object of the Bill which sanctioned deeds of arrangement was to encourage a man to come forward, as soon as he discovered he was insolvent, and give up the property which was no longer his own to his creditors. Then we have to inquire how you may best induce the honest debtor to disclose his insolvency and prevent the dishonest debtor from withdrawing any part of his property. We thought it best to allow the debtor to call his creditors together, but not to put the Court in motion unless they decide upon doing so. We further propose that any creditor having security shall vote only in respect of the unsecured balance, and, further, to secure the minority of the creditors, we propose that the Court may approve or disprove the deed of arrangement. We proposed that a debtor should be entitled to his discharge when he had paid 10*s.* in the pound; but the House of Commons fixed the limit at 6*s.* 8*d.* in the pound. Lord Westbury graphically described the swarm of people who poured down upon a bankrupt's effects. There are the messengers, who are not wanted at all. A number of respectable firms of Liverpool write to me to say that, in the great majority of cases, no messenger is required. They say that in most cases the bankrupt can be left in possession of his property. They say, further, the official assignee is a useless officer, and they need neither the one nor the other. The course we have adopted is to leave it to the creditors, immediately after a bankruptcy, to make an application for adjudication in bankruptcy; to hold a meeting immediately after obtaining this for the purpose of choosing trustees, and when they are appointed to hold another meeting. But, in order to secure against any improper dealing with the bankrupt, it was determined to get rid of the messenger immediately after adjudication. By doing this we think we have taken a good means of securing the realization of the assets, and also have held out inducements to the bankrupt to meet his creditors at the earliest possible period after he thinks he has become bankrupt. That having been done, the next thing to be considered was what was to be done after the discharge of the bankrupt. The Act of 1849 acted with great severity towards the bankrupt after he had surrendered his property. Having secured the assets, the question which we next considered was how we were to distribute them and not punish the bankrupt? If he is to be punished at all he should be punished in a different way, and with that object I shall presently say a few words on another Bill which I shall introduce to your Lordships by-and-by. We think that the question of awarding punishment and the handing over the assets to the creditors should be kept entirely distinct, and accordingly we have confined the power of imprisonment to the cases where the bankrupt, by not yielding up his property or neglecting to answer questions put to him, has been guilty of contempt of the Court. What we do is this—We place the property of the bankrupt in the hands of a trustee, who is selected by the creditors, and his proceedings are subject to the supervision of inspectors, who superintend what he does; and, what is still more important, the trustee is bound not only to render a quarterly account to the inspectors, but is under a heavy penalty in the shape of increased interest to hand over all moneys belonging to the bankrupt's estate within ten days of their coming into his possession. Again, a Controller will be appointed to superintend the whole of the districts of bankruptcy throughout England, and he will be required to render his account yearly. When a report is made to the Court stating that no more sums remain to be collected on account of the bankrupt's estate, the bankruptcy will be declared closed. A bankrupt whose estate pays 10*s.* in the pound will be discharged from further liability; and the creditors themselves have power to grant a release where even less is paid, by coming to a resolution in open Court that the bankruptcy was due to involuntary misfortune, and was not attributable to any misconduct on the part of the bankrupt. If, however, the bankrupt be not discharged, and the bankruptcy be not declared closed, then this result follows — We have thought it right to recur to some extent to the provisions of the Insolvent Debtors' Act. As your Lordships know, an insolvent was never discharged from his liabilities, and his future property might always be demanded in payment of his debts. And certainly a great scandal has arisen from the fact that men who have paid little or nothing to their creditors have, after having passed through the Bankruptcy Court, been able subsequently to amass considerable property, while their creditors have remained unpaid and been—what I believe it is but just to term—defrauded. We propose that the bankrupt shall have three years in which to rehabilitate himself, during which period he shall remain unmolested by his creditors. At the end of the three years, unless his bankruptcy shall have been declared closed, any of his former creditors may apply to the Judge, and, on stating that he has ascertained that the bankrupt is in possession of considerable property, may ask for an order sequestrating a portion of it. I think that this will be a proper place to say how much reason there really was to be dissatisfied with the existing system. In 1868, out of 9,125 adjudications in bankruptcy, 6,679 were on debtors' petitions—a thing which we, of course, propose to abolish—and 817 on the petitions of the creditors, others being made by the registrars of prisons, and others *in formâ pauperis.* There were 1,714 cases in which dividends were paid, and, in 6,489 cases, no dividend at all was realized. It is obvious, therefore, that the existing system has given rise to a gross system of fraud. The next point I come to is the nature of the Court which we propose should preside over the administration of matters in bankruptcy. It is necessary that there should be some Court, as knotty questions demanding solution will occasionally arise. But such questions as will ordinarily occur, of law or otherwise, may be settled by the trustee, who is, however, amenable to the Court. While upon the subject of deeds I ought to mention that a very fruitful source of litigation hitherto, in courts both of law and equity, has been the validity of the deeds. We propose that the Judge in Bankruptcy shall settle that question once for all. It is only with regard to the Court that any change has been made in the plan I drew up. It was the opinion of the members of the Judicature Commission, though this particular subject did not come under their consideration, that it was desirable in the establishment of any new Court that it should be empowered to deal with questions both in law and equity. Representations, too, on this point were made by the Chambers of Commerce from Liverpool, Manchester, and other large towns, and we therefore determined that the Court should have jurisdiction on all matters connected either with law or equity. I also thought, for the same reason, that it would be desirable that one of the Superior Courts in London should take charge of bankruptcy, and I found upon inquiry that a Common Law Judge was to be preferred. I found that, in London as well as in the country, there was a strong desire to get rid of a peculiar Court. On this point, however, let me not be misunderstood. I do not mean to say that any complaint was urged against those by whom business in bankruptcy is administered. The demand in this direction did not arise from any dissatisfaction of that nature. Now, my Lords, I thought that a Common Law Judge was preferable because the duties could be performed by him without taking him away from his Court, because there would be an easy appeal to the Judges *in banco*, and because the plan would not entail any increased expenditure, inasmuch as the Judge would be relieved from attendance on circuit, and would thus find ample compensation in the increase of comfort and leisure which would naturally arise from this arrangement. In the House of Commons, however, Sir Roundell Palmer directed attention to the abilities of the learned Judge of the existing Court of Bankruptcy—and in the tribute that was paid to that learned Judge I entirely concur—and suggested that that learned Judge should in the first instance be appointed as the Chief Judge, and that the plan I originally drew up should be adopted upon his vacating his office. Of course the Government had no objection to the adoption of that course. As the matter now stands he will receive the same remuneration as he now does; but that arises rather from the way in which the matter was introduced into the House of Commons, when this plan was recommended on the ground that it would not be accompanied by any increased expenditure. There will then be one Judge instead of three, but I believe that under this Bill there will be no increase in the amount of work that he will be called upon to perform, although if there should be there will be no difficulty in doing what is right and just. Under this Bill matters will to a great extent be in the hands of the creditors themselves, and we shall consequently cease to witness those unseemly disturbances which at times do occur under the existing system, and, indeed, as were witnessed yesterday in one of our police courts. I need not detain your Lordships by going further into the details of the Bill, every portion of which has been so fully discussed in "another place." I may, however, briefly refer to a Bill which is a corollary of the one to which I have been referring. The Imprisonment for Debt Bill will come before your Lordships immediately, and there is a third Bill—a repealing measure—to remove all the statutes which stand in the way of the two other Bills. In the Imprisonment for Debt Bill are matters which will be found to require much consideration from your Lordships. We propose to abolish imprisonment for debt. Where there is mere doubt we propose that there should be no imprisonment; but where a person has contracted debts fradulently there we give a power of imprisonment. At present the County Court Judges can imprison debtors against whom orders for payment have been made, and who, having the means to comply with those orders, refuse to do so. Out of 300,000 cases of debt coming before the County Court Judges each year about 7,000 persons are ordered to prison, or about 2½ per cent of the total number of debtors. We felt that either the powers of the County Court Judges to imprisonment for debt should be abolished, or the principle must be extended. We could not have one law for the rich and the other for the poor. We concluded, therefore, that we must introduce an analogous power in the case of larger debtors, because all the County Court Judges who gave any opinion on the subject were unanimously of opinion that it would be very dangerous to withdraw the power in the case of small debtors. At present the jurisdiction of the County Court Judges in respect to imprisonment reaches only to debts of £20. Under this Bill it will be extended to debts of £50, and the Superior Courts will have a similar jurisdiction in cases beyond that amount. My Lords, I do not conceal from myself that it is impossible to assert beforehand the success of any measure like this Bankruptcy Bill. I have, however, strong hopes of its success. In the House of Commons it received a very remarkable amount of support. It has been considered and approved by some of the ablest lawyers and some of the most eminent solicitors. Another great advantage is, that owing to the ability of the able draftsman who drew it up, the Bill contains only 130 clauses, and, coupling it with the Bill for the Abolition of Imprisonment for Debt and the repealing Bill, the whole of this new bankruptcy code comprises only 180 clauses—a number which, I believe, will be considered very moderate by all those who remember the history of our past legislation upon this subject. We proceed on the principle of saying to the creditors—"Take the whole thing in your own hands. We enable you to put in motion a machinery by which you may realize assets for yourself. More than that the Legislature cannot do." My Lords, if this attempt fails I do not at present see what else we can do; but I think there is everything to justify us in hoping that the attempt will be successful, and therefore it is with considerable confidence I ask your Lordships to read the Bill a second time.

*Moved*, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

LORD CAIRNS: My Lords, judging from the appearance of the House, I think the subject of bankruptcy as years roll on is not growing more attractive. But, be that as it may, knowing the difficulty of preparing Bankruptcy Bills, I congratulate my noble and learned Friend (the Lord Chancellor) on the fact that this measure has attained the stage it has now reached. In all the leading principles of the Bill I entirely concur. It is the principle on which the last three Bankruptcy Bills have been framed —namely, that the creditors should be made, as far as they can be made so with safety, the arbiters and masters of their own business and their own property. In other words that there should be a maximum of power in the creditors and a minimum of interference on the part of the Court. I must, however, make a complaint, not against my noble and learned Friend, but against the course taken by the Government with respect to the introduction of this Bill. Early in the Session we urged on the Government the necessity of introducing the Bill in this House in the first instance rather than in the House of Commons, and we foretold what has come to pass—that if the Government did not take that course the Bill would not reach this House until a period when to send it to a Select Committee—and a Bill of this character ought to be examined by a Select Committee—would be tantamount to rejecting it. Let me now make one or two observations upon the details of the measure. I agree with my noble and learned Friend that it is a pleasant thing to hear of a Bankruptcy Bill of only 180 clauses. But we should deceive ourselves if we judged the measure merely by the number of its clauses. This is, no doubt, shorter than other Bankruptcy Bills; but the reason of that is that it is not a Bankruptcy Bill in the sense of containing within itself the Law of Bankruptcy. It is rather one to empower the Lord Chancellor and the Chief Judge in Bankruptcy to make a Bankruptcy Bill. In every section the word "prescribed" occurs. Almost everything in it is something "prescribed," this word having reference to the orders which were to be framed by the Lord Chancellor and the Chief Judge. I think it is well to leave a good deal to be done by means of general orders, but I doubt whether this Bill may not carry that principle to an extreme length. Again, my Lords, while in the Bankruptcy Bills passed from time to time one uniform phraseology had been adopted, an entirely new phraseology is introduced into the bankruptcy system by the Bill now before your Lordships. I think it would have been well to preserve the old phraseology, because by the introduction of these new terms we run the danger of rendering the whole of the previous decisions on questions of bankruptcy perfectly useless. The question is—what is this House to do with the Bill? The noble and learned Lord on the Woolsack says that it deserves our most careful consideration. That a measure of this nature deserves the best consideration that your Lordships can give to it is undoubted; but it appears to me that, with questions of importance arising upon almost every clause, the Bill could only receive due consideration before a Select Committee. To refer the Bill, however, to a Select Committee at this period of the Session would be tantamount to saying that it should not pass this Session, and therefore I do not propose to ask your Lordships to adopt that course. I cannot, however, help feeling painfully that this Bill will pass—if it does pass—through this House without receiving that amount of consideration which it deserves at your Lordships' hands. I have to express my satisfaction with the excellent change which was effected in the other House of Parliament, by which Mr. Commissioner Bacon, the present head of the Bankruptcy Court in London, is to be appointed the Chief Judge of the new Bankruptcy Court, in place of one of the Common Law or Equity Judges. It is with no want of respect to the learned Common Law and Equity Judges that I say that in point of ability, efficiency and great and varied experience in bankruptcy matters, no better selection could have been made than that to which I have referred. By some oversight, however, the Bill provides that the salary of the learned Judge who is to be appointed to fill this responsible and arduous office shall only be the same as that he now receives; while the other Commissioners —happy men—are to be allowed to retire and receive their salaries for doing nothing. This is, however, evidently a mere oversight, and will doubtless be remedied in Committee. I also think that the question of the compensation of the other bankruptcy officers both in London and in the country should be considered in Committee, as, in my opinion, the Bill as it stands proposes to treat them rather hardly. Under the Bill, as it was originally introduced into the other House, all those officers who held their situations during good behaviour were to retire upon their full salaries; but just before the Bill had passed through Committee, on the Motion of a Member of the Government (the Secretary to the Treasury) an entire change was effected in the treatment they were to receive under the Bill. I feel assured that your Lordships will not approve this method of treating servants of the public, and that you will, in Committee upon the Bill, see that they have justice done them. In conclusion, I may state that I shall be glad to offer the noble and learned Lord all the assistance in my power towards rendering this Bill a satisfactory measure.

Lord ROMILLY: I rise merely to express my general concurrence in what has fallen from the noble and learned Lord on the Woolsack, and from the noble and learned Lord opposite. I may, however, point out that the orders to be issued by the Lord Chancellor under this Bill, if not found to work satisfactorily, can be varied with greater facility than the provisions of an Act of Parliament could be. There are, however, many matters in this Bill which demand serious attention. I am unable to understand why any distinction is made in freedom from imprisonment depending on the amount of the debt. The power of imprisoning the debtor for the purpose of enforcing the payment of debts recovered in the County Courts appears to me to be very objectionable, and to encourage tallymen and an injurious system of credit. I admit that all, or nearly all, the Judges of these Courts are strongly in favour of preserving to them that power; but they are not, in my opinion, the best judges. And it should be remembered that no adage of the law is more earnestly clung to by Judges than that—

> "Boni judicis est ampliare jurisdictionem."

Nor is there one which ought to be more carefully watched and defined. I hope that the noble and learned Lord on the Woolsack will appoint such a day for going into Committee upon the Bill as will give those noble Lords who desire to do so ample time for preparing the Amendments upon the measure which they may desire to propose.

Lord CHELMSFORD: I feel disposed simply to echo the observations of the noble and learned Lord who has just sat down; but I may be permitted to remark that when I introduced a Bill upon this subject some time since the commercial world appeared to be divided in opinion as to whether the creditors should be permitted to have the entire control of the bankrupt's estate, or whether the matter should be taken out of the hands of the creditors altogether, and the power of dealing with the bankrupt's estate be given to the Court. From what has fallen from the noble and learned Lord on the Woolsack, however, it would appear that the commercial world has now come to the conclusion to place the matter altogether in the hands of the creditors, leaving the Court only a minimum of power to supervise their proceedings. I can assure the noble and learned Lord that I will do my best to assist him in making this Bill as satisfactory as possible.

The LORD CHANCELLOR: I have to express my thanks to the noble and learned Lords for the kind consideration they have promised to give to this Bill. The reason for the provision as to general orders is that those orders, if found unsatisfactory in practice, may be altered. With regard to the phraseology of the Bill, I may observe that it has been approved by the House of Commons, and by large numbers of eminent members of the Bar, and by solicitors generally. In order to afford ample time for the preparation of Amendments by your Lordships, I will fix Friday week for going into Committee upon the Bill.

Motion *agreed to;* Bill read $2^a$ accordingly, and *committed* to a Committee of the Whole House on *Friday* the 16*th instant.*

### MUNICIPAL FRANCHISE BILL.

(*The Earl of Lichfield.*)

(No. 125.) SECOND READING.

The Earl of LICHFIELD, in moving that the Bill be now read a second time, said, that it proposed an innovation in giving to women the right to exercise the municipal franchise; but when they paid the rates they had the same interest in an economical administration of municipal funds, and in the efficient management of municipal affairs, as any other inhabitants. The Bill would afford considerable convenience to persons claiming the right to vote, because they would go before one court instead of two, and it would be attended with a saving to the rate-payers.

Motion *agreed to;* Bill read 2$^{a}$ accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

### CONTAGIOUS DISEASES PREVENTION (METROPOLIS) BILL [H.L.]

A Bill for the better prevention of Contagious Diseases in the City of London and within the Metropolitan Police District—Was *presented* by The Marquess Townshend; read 1$^{a}$. (No. 176.)

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday,* 8*th July,* 1869.

MINUTES.]—Select Committee—*Report*—Witnesses (House of Commons) [No. 305]; Contagious Diseases Act (1866) [No. 306]; Clerk of Assize [No. 213].

Supply—Miscellaneous Estimates—*Resolutions* [28th June] *reported*—*Considered in Committee*—Civil Service Estimates.

Public Bills—*Resolution in Committee*—Warehousing of Wines and Spirits, &c.

*Ordered*—*First Reading*—Public Works (Ireland) * [202]; Clerk of Assize * [203]; Warehousing of Wines and Spirits, &c. * [201].

*First Reading*—Heritable Rights * [204].

*Second Reading*—Land Tax Law Amendment, &c. * [188]; Turnpike Acts Continuance, &c. * [191]; Railway Construction Facilities Act (1864) Amendment * [94].

*Committee*—Valuation of Property (Metropolis) (*re-comm.*) [100]—R.P.

*Committee*—*Report*—Local Government Supplemental (No. 2) * [192]; High Constables' Office Abolition, &c. * [195].

*Report*—Witnesses (House of Commons) * [129].

*Considered as amended*—Sunday and Ragged Schools * [170].

*Third Reading*—University Tests * [15]; Pensions Commutation * [187]; Stipendiary Magistrates (Deputies) * [176]; High Constables' Office Abolition, &c. * [195]; Medical Officers Superannuation (Ireland) * [185], and *passed.*

### INDIA.—BARRACKS AT MORAR.

QUESTION.

Sir DAVID WEDDERBURN said, he wished to ask the Under Secretary of State for India, Whether it is true that a large expenditure has been incurred in erecting permanent Barracks at the cantonment of Morar, near Gwalior, with the view of making Morar the principal Military Station in Central India for European as well as Native Troops; and, whether the Government are satisfied that the climate of Gwalior is such as to permit of Europeans being safely quartered there in force?

Mr. GRANT DUFF: It having been determined, in 1864, by the then Government that for military and political reasons it was most desirable to have a strong British force cantoned at or near Morar, a very carefully composed Committee was ordered to examine into the question of site. A paragraph from the Report of that Committee is the best answer that I can give to my hon. Friend, and will show that the extremely important point which he has raised has been carefully considered—

"The members unanimously concurred in opinion that the force should be located at the present cantonment of Morar, which must necessarily be greatly extended. In thus recommending the extension of Morar, they desire to place prominently on record the individual opinion of Surgeon-Major Laing, not only because that officer's medical reputation stands so high that any professional opinion given by him on sanitary matters must, *per se,* be of great weight, but also because he, being a stranger at Morar, brings to bear on the subject a mind unbiassed and free from prejudice for or against the locality. After a careful examination, this officer recorded his opinion that he had seldom, within his Indian experience, seen ground which, taken as a whole, possessed in a higher degree the essentials requisite for a healthy location for troops. Dr. Auchinleck, who has had two years' experience of the place, concurred in this opinion, and gave the weight of his testimony in favour of the salubrity of the place."

### CATHOLIC CHILDREN IN WORKHOUSES.

QUESTION.

Mr. KEKEWICH said, he wished to ask the President of the Poor Law Board, Whether there is any truth whatever in the assertion made at a meeting of the Guardians of the Marylebone Union, on the report of a Cockermouth paper, respecting some boys in the Union there, who were ordered by the Poor Law Board to be sent to the Roman Catholic Schools; that the boys told the priest that they did not believe the Roman Catholic faith, and would not go; that the Poor Law Board, it is reported, then ordered the boys to be whipped?

MR. GOSCHEN: Sir, the cock and bull story about the whipping of these two little boys having been ordered by the Poor Law Board is one of those gigantic falsifications which seem to grow with more rank luxuriance on the field of religious controversy than anywhere else. It has not even that substratum of truth which generally underlies the grossest exaggeration. The facts of the case are these — A little urchin, a Roman Catholic inmate of the Cockermouth Workhouse, on reaching the ripe age of twelve, went to his priest and informed him that he had changed his religion, and that he had the authority of an Act of Parliament for withdrawing himself from the priest's religious instruction. This is, however, not exactly the case. The law has made a difference between children of twelve and children of fourteen years old. The latter may change their religion at their pleasure, but the former only if the Poor Law Board consider them competent to form a judgment upon the subject. There was in the same workhouse another boy of thirteen, who had also changed his religion. The Poor Law Board despatched an Inspector to examine these two boys with regard to the circumstances of their conversion, and on their theological knowledge. The Inspector reported—and I was not surprised to hear it—that they were utterly incompetent to form a judgment. But several circumstances came out at this inquiry, and at a previous inquiry held by the Guardians, throwing light on the conversion. There had been no pressure put on the boys by the workhouse authorities, and there had been but little teazing on the part of the other boys. But the Protestant boys used to be taken every Sunday evening to a neighbouring church, dressed in their Sunday clothes, and there was music, which the boys liked very much. Meanwhile, the two little Roman Catholic boys were left at home by themselves, and were frightened and unhappy at being in the yard alone. On one occasion one of them had been found crying. So they changed their religion in order to change their clothes, and go with the other boys to hear the music in the church. The Poor Law Board informed the Guardians that they considered the boys theologically incompetent, and added—

> "The Board, therefore, consider it advisable that the boys in question should recur to the religious instruction which they were receiving up to the time of their alleged conversion, and request that the necessary instructions may be given to the workhouse master for the purpose of securing this object."

This was the whole of the pressure put by the Board on the Guardians, which has been distorted into the story that the boys were to be whipped. The Guardians replied—"that under the circumstances they must respectfully decline to use forcible means to compel the boys to attend the Roman Catholic chapel." This letter appears to have been a civil paraphrase of a speech by one of the Guardians of Cockermouth. He is reported to have said—

> "I move that the Poor Law Board be informed that the Guardians cannot carry out their order with regard to the boys, and if the Poor Law Board require them to be sent back to the Catholic Church and to be whipped, they must send somebody down to do both."

It is easy to see how anyone who did not scruple to omit the word "if" could twist this speech into an extravagant story. The hypothesis of the Guardian of Cockermouth looked like history to the Guardians of Marylebone, and the Chairman of their School Committee read the following to an excited meeting—

> "He read a report from a Cockermouth paper respecting some boys in the Union there who were ordered by the Poor Law Board to be sent to the Roman Catholic schools. The boys told the priests they did not believe the Roman Catholic faith, and would not go. The Poor Law Board, it was asserted, then ordered that the boys were to be whipped if they did not go, and the Guardians sent back word that if the Board required the Guardians to do whipping they could come and do it, for the Guardians would not. This was scandalous."

Scandalous, if true, but the House will judge in how far it is, if not scandalous, yet most improper, that anyone should make bad blood, by giving publicity to such a story without inquiring into its truth.

MR. KEKEWICH said, the answer of the right hon. Gentleman was very satisfactory.

## ARMY—RELIEF OF REGIMENTS IN INDIA.—QUESTION.

MR. STACPOOLE said, he would beg to ask the Secretary of State for War, Whether any, and what, steps are being taken for the more speedy relief of Regiments at present serving in India, which proceeded thither for the suppression of the Mutiny in 1857, and have not returned home since?

CAPTAIN VIVIAN replied, that in consequence of the large number of regiments sent out to India during the Mutiny in 1857 and 1858, it was found impossible, as only five regiments could be relieved per annum, to bring home all the regiments. But in selecting the order in which the regiments should return home, his Royal Highness the Commander-in-Chief had shown the greatest consideration to them. By continuing the relief at the rate of five regiments per annum, all the regiments which went out in 1857, with the exception of two, would be relieved by the end of 1871, and by the end of the following year all the regiments which went out in 1856 would be relieved. If, however, more than five regiments were relieved every year, a hardship would be inflicted upon regiments serving upon other foreign stations. In conclusion, he must remind his hon. Friend that, although the battalions had remained in India during this long period, there were very few officers or men left there who went out in 1857.

## IRELAND—CLERK OF THE CROWN FOR KING'S COUNTY.—QUESTIONS.

SIR PATRICK O'BRIEN said, he wished to ask the Chief Secretary for Ireland, Whether the office of Clerk of the Crown has not hitherto been regarded as patronage appertaining to the local Members for the County when supporting the Government; whether the joint recommendation of the Members for the King's County has not been disregarded in the late appointment; whether such disregard had arisen from any deficiency in personal character, or of any want of professional aptitude to fill an office involving the performance of nominal duties, or if it had arisen from want of social status or professional standing? Would he state his reasons for supposing Mr. Bergin deficient in these respects; whether Mr. Dalton, the gentleman now Clerk of the Crown for the King's County, is connected otherwise than by his appointment with the King's County; and, if he has been recommended by Members of Parliament or Members of the Government, will he state who they are who have interfered with the County Members' patronage; and, whether Mr. Bergin, who was recommended by the County Members, received a certificate from the head of the legal profession in Ireland—the Lord Chancellor—through his Lordship's Secretary, which was forwarded to the Chief Secretary?

MR. CHICHESTER FORTESCUE: Sir, in answer to my hon. Friend I have to say that the patronage of the office of Clerk of the Crown pertains to the Lord Lieutenant. It is, of course, usual to consider the wishes of the County Members supporting the Government, and those wishes were very carefully considered on the present occasion. It was, indeed, a matter of deep regret to the Lord Lieutenant and myself that in this particular case we were not able to agree in the view taken by the Members for the King's County; but I must remind my hon. Friend that the wishes and recommendations of Members of Parliament, however important, do not bind the discretion of the Executive; nor can they do so, inasmuch as they in no degree relieve the Executive from the responsibility which falls on the Lord Lieutenant in filling up public offices. With respect to the next part of my hon. Friend's Question, I must say that I regret he should have thought it necessary to ask it, and I must decline to answer it, because it requires me to explain in the minutest detail the reasons which have influenced the Lord Lieutenant in the performance of a most responsible duty. Such an answer would be one which it would be as improper as invidious in me to give. As to the next part of my hon. Friend's Questions, I have to state that I do not know that Mr. Dalton is connected with the King's County beyond the fact that he was the conducting agent of one of the Members for that county at the late election—the Colleague of the hon. Baronet. In reply to the next part of the Question, I have simply to observe that I am not aware that anyone has committed the crime of having interfered with the County Members' patronage. So far as I know, in the first instance Mr. Dalton recommended himself, but the Lord Lieutenant, on full inquiry, was perfectly satisfied that in choosing him out of the list of candidates before him he had done what was best for the public service, and, to put the matter on a lower footing, even what was best for the general interests of the party with which my hon. Friend and myself are connected. As to Mr. Dalton's want of connection with the county, I must remind my hon. Friend that it is by no means an unprecedented event that clerkships of the Crown, particularly in counties, should be filled by gentlemen not otherwise connected with the county. In the case of the King's County itself, the last occupant of the office but one—who, I believe, was appointed at the request of the hon. Baronet, at a time when Lord Lieutenants and Chief Secretaries were more fortunate than they happen to be at this moment, and than, I hope, they will be in future, in being able to comply with the request of my hon. Friend—had no connection with the county except that he was his own conducting agent at the previous election. In answer to the last part of the Question I have to state that a letter has been communicated to me, written by the private secretary of the Lord Chancellor, which is of a most formal kind, and does not at all come up to the description of a certificate.

## INDIA—APPEALS.—QUESTION.

Sir CHARLES WINGFIELD said, he wished to ask the Under Secretary of State for India, Whether his attention has been drawn to a Letter in the "Times" newspaper of the 25th June, from Mr. Forsyth, in which it is stated that, owing to the want of a sufficient staff of translators, a period of four or five years generally elapses after the admission of an appeal from India to the Privy Council before the report reaches England, and that at the present moment there are between two hundred and fifty and three hundred appeals from the Presidency of Bengal alone awaiting transmission to England; and, whether it is the intention of the Secretary of State for India to direct any measures to be taken to expedite the transmission of appeals to this Country?

*Mr. Chichester Fortescue*

Mr. GRANT DUFF said, in reply, that the Secretary of State in Council lately called the attention of the Bombay Government to delays in the transmission of appeals from the High Court there, and he intended presently to address the Government of India as to the expediency of hastening the transmission of appeals from all the High Courts.

## INDIA—RAILWAYS.—QUESTION.

Mr. KINNAIRD said, he wished to ask the Under Secretary of State for India, with reference to the question of the construction of Railways in India, If he will include, with the Despatches to be laid upon the Table, the Minutes of the Members of Council thereon?

Mr. GRANT DUFF said, in reply, that his hon. Friend was evidently under a misconception. It was not the practice for Members of Council to write Minutes on despatches. They had the right to record dissents from proceedings in Council, and these dissents were entered in a Minute Book. None had yet been entered with reference to this railway question. If his hon. Friend was pointing at anything which existed he must be pointing at certain confidential opinions, given long before these despatches arrived, to the Secretary of State by Members of Council for his information. These were private documents, just as private as anyone's private letters.

## INDIA—MEDAL FOR BHOOTAN.

### QUESTION.

Mr. KINNAIRD said, he would also beg to ask the Under Secretary of State for India, If there is any sufficient reason why the Frontier Medal should not be given to the Officers and Men engaged in the Bhootan War in 1864 and 1865, which Medal has been awarded to Officers and Men engaged in the Frontier Wars of a similar character?

Mr. GRANT DUFF said, in reply, that the North-West Frontier Medal, about which his hon. Friend had asked him, was conferred at the suggestion of the Government of India, but the Government of India had not recommended the grant of any medal for the Bhootan War.

## SPAIN—TREATY OF COMMERCE.

### QUESTION.

MR. BAZLEY said, in the absence of his hon. Friend (Mr. Akroyd), he would beg to ask the Under Secretary of State for Foreign Affairs, If Her Majesty's Government has received any intimation that the Spanish Government is willing to enter into negotiations for a Treaty of Commerce, to be based upon a reduction of their Duty on British Goods, accompanied by a modification of our Duties on Spanish Wines above 26 degrees of proof?

MR. OTWAY, in reply, said, it was true that the Spanish Government had lately expressed their willingness to negotiate a commercial treaty with this country. One of the bases of that treaty was the reduction of the duty on Spanish wines. The question was now under the consideration of the Government, and no reply had been made to the Spanish proposal up to the present mement.

## RECENT NEGOTIATIONS WITH THE UNITED STATES.—OBSERVATIONS.

MR. GLADSTONE said, that by the indulgence of the House, he wished to be allowed to make an appeal to his right hon. Friend the Member for Tamworth (Sir Henry Bulwer), in whose name a Notice stood on the Paper for to-morrow evening, to the effect that he meant to call attention to the recent negotiations between the Government of this country and that of the United States, and to move an Address for Papers. He must, in the first place, render his acknowledgments on the part of the Government to his right hon. Friend for the considerate manner in which he had hitherto regulated himself upon this subject, he having more than once postponed the Motion in consequence of representations made to him on the part of the Government, founded on what they believed to be the public interest, and a period of the Session had now arrived when his right hon. Friend was in a position to ask either that they should offer no further impediment to his Motion—even in the shape of an appeal to postpone it—or give sufficient reasons why they thought it would not be advisable to bring it forward. He hoped his right hon. Friend would receive favourably the overture he was about to make, and would come to the conclusion that he could best serve the interests involved in this great question by refraining from asking the House to discuss the question at this period. The grounds upon which he made this appeal were these—The House was well aware that it was the general rule of Parliament not to discuss matters of foreign negotiation while they were in progress. Some months ago the important matter in question reached a new stage by the rejection of the treaty originally framed between the two Governments, and at first sight this had the aspect of the cessation of the subject. The Government of the United States brought on that cessation; but Her Majesty's Ministers had no reason to believe that the United States Government regarded the question as having been definitely dropped, because it was known to Her Majesty's Ministers that the Government of the United States thought it highly desirable that some interval should elapse, in reference to the state of opinion and feeling in that country, before any negotiations on the subject should be resumed. He was inclined to think that it was their duty to concur in that sentiment of the Government of the United States, and to favour the prevalence of the view upon which they had acted. He might also observe that that was not only the view of the Executive in that country, but it was the fact that this important and delicate subject had not been made the theme of discussion in either of the branches of the Legislature of the United States. He was well aware that a speech of great length was delivered, expressing the views of the Chairman of the Committee on Foreign Relations, and that speech, delivered in confidence, was afterwards published by license of the Senate, but no general debate had been held in the two Houses of the American Legislature on the question. Under these circumstances he felt—and he thought the House would sympathize with him in the feeling—that it was the duty of Her Majesty's Ministers, as it was their anxious desire, to endeavour that nothing might occur to impede the resumption of the negotiations between the two Governments with favourable prospects at the proper time. It therefore became his duty to renew the application he had on former occasions made to the right hon. Gentleman, and to request that he would refrain from now asking the House to enter on the general discussion of this case, which was still substantially pending between the two Governments.

Sir HENRY BULWER: Sir, I am sure the House will feel that I am most desirous, on personal and public grounds, to comply with any request made by my right hon. Friend, who is the head of the Government and responsible for its acts. But, Sir, I think I may say without presumption that I am, perhaps, not altogether unqualified to form an opinion for myself. I have wished to form an opinion conscientiously, and I have been somewhat strengthened in the opinion I have formed by looking back to those which I have previously expressed, and finding that they have been found correct Now, Sir, I say this, because upwards of two years ago I had a conversation, which I think I may repeat, as it relates to a public matter, with my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who is not now in his place, on these very affairs of America; and everything I said at that time has proved true. When my noble Friend (the Earl of Clarendon) accepted the appointment of Minister of Foreign Affairs, I took the liberty of requesting an interview with him, and from my experience in the affairs of the United States, and of the Constitution of the United States, I impressed upon him my opinion that the negotiations which we were then carrying on with Mr. Johnson in this country would not be brought to a successful close. Now, Sir, I say, with the same confidence with which I expressed that opinion to my noble Friend at that time, that I am convinced that if we leave the question as it now stands between us and the United States of America, we shall have cause to repent our silence and inaction. I am for leaving well alone, but I am not for leaving ill alone.

Lord JOHN MANNERS: I rise to Order. The right hon. Gentleman appears to be discussing the subject, though there is no question before the House.

Mr. SPEAKER: I think the House will allow to the right hon. Gentleman a reasonable latitude; but I think also that I must lay emphasis on the word "reasonable."

Sir HENRY BULWER: As I desire, if necessary, to put myself in conformity with the forms of the House, I might say that I would conclude with a Motion; but, after having this Notice frequently before the House, and having stated that I would bring it under discussion, I think, in justice to myself and my feelings, and in justice to my duty to my country, I should be allowed to state why, if I do give way to the wish of the Prime Minister, it will be with extreme reluctance.

Mr. SPEAKER: I may remind the right hon. Gentleman that it would be contrary to the rules of the House that he should enter now upon the discussion of a question on which he proposes a discussion on a future day. He is limited to an answer to the question which has been put to him, with a reasonable latitude for explanation.

Sir HENRY BULWER: I perfectly understand that, and I have not the least intention of speaking on the general matter. All I wish to address myself to is the suggestion of my right hon. Friend. Am I in Order? ["Hear, hear!"] Well, then, I give as my reason for thinking that this matter ought to be discussed, that without discussion it is in a very unsatisfactory condition. I do not attach much importance to the speech of Mr. Sumner, to which my right hon. Friend has alluded, or to the rejection of the Treaty by the United States; but what I do attach great importance to is, that, as the question now stands before the public, one country thinks it has suffered a great wrong for which no redress has been offered, whilst the other considers that a most exaggerated demand has not been abandoned, but merely suspended, to be brought forward at any time, when it would be as dishonourable as now for us to grant it, and more dangerous for us to refuse it. When I refer, moreover, to past negotiations in which our Government has exhibited almost every variation from the extreme of resistance to the extreme of concession, I cannot but feel that it is time for this House to steady the policy which we should henceforth pursue, and leave no doubt with the American people as to the feelings of the people of Great Britain. At the same time, I admit that it is for the House itself to judge of this matter, and I should be exceedingly sorry to bring before it any subject which it was not well disposed to receive, and which, exercising the same judgment as myself, it thought it was inexpedient at this time to discuss. Of course, I cannot expect any very great party support, because all parties were mixed up in these matters, and perhaps some of the acts which they committed I should not be indisposed to condemn. But I shall bow to the general sense of the Gentlemen around me; and if it is the general desire that I should not now bring this question forward, certainly I shall not do so. But then I must add, that if I am so unfortunate as to prove a true prophet—as I have done on one or two occasions before—I must throw the responsibility on my right hon. Friend, and feel free to add to the observations I have to make on the past conduct of preceding Administrations those which I may feel myself called on to make on the conduct in this instance of the present one.

## SUPPLY—MISCELLANEOUS ESTIMATES

### RESOLUTIONS [28TH JUNE] REPORTED.

First Five Resolutions *agreed to.*

Sixth Resolution read a second time.

MR. DILLWYN said, he rose to move that the Vote for altering the edifices of the Houses of Parliament and decorating the walls of the central hall with mosaic work be reduced by £5,500. A similar Amendment had been moved in Committee of Supply by the hon. Member for Brighton (Mr. White), though the Amendment was different, and he (Mr. Dillwyn) had challenged the decision of the Chairman (Mr. Shaw Lefevre), but there was considerable confusion at the time, and the Chairman passed to the next Vote. The Vote was for "increasing light, decorating walls, and other service;" but he did not think we ought to decorate these walls any more, his impression being that they were over-decorated already. The experiments in Art in this building had not been so successful as to encourage them to go further in the same direction; and he objected to the Vote also because it seemed to be the beginning of an attempt to pull the House about in a way which might lead to a much larger expenditure than that now proposed. If the central hall were altered materially, other parts of the structure must be altered, and there would be an outlay of which they could not foresee the end. The Chief Commissioner of Works, he believed, was willing to reduce this Vote by a small amount, but he (Mr. Dillwyn) would not be satisfied with that; he objected altogether to the proposed expenditure on the central hall. An enormous sum of money had been spent on the building; it was proposed now to spend much more money in providing additional accommodation, which was very much wanted, and he moved the reduction of the Vote with a view to resist expenditure for mere decoration. If anything was wanted for the necessary repair of the walls, let the money for that be voted.

Amendment proposed, to leave out "£34,026," in order to insert "£28,526," instead thereof.—(*Mr. Dillwyn.*)

MR. BENTINCK, who had given notice of a similar Motion, supported the reduction of the Vote. He said there had always been an understanding, since the Fine Art Commission was brought to a close in 1863, that no great scheme for the decoration of the House should be proposed by the Government without a full explanation of what was intended to be done. The present Vote had taken the House by surprise, especially since it was accompanied by no explanation. The Members of the Government, at the hustings and elsewhere, declared that they were great friends of economy, and yet this addition of £8,000 to the Estimates was proposed without any explanation. On investigation, he believed, it would be found that a great part of that amount was to be spent, not in architectural work, but in decorations of the central hall. It seemed to him that the proposed alterations were unnecessary and mischievous. The central hall was one of the best features of the building. There was no want of light, and if more was required, the west window overlooking St. Stephen's Hall, could be easily altered at very little expense. Additional light for the telegraph and other offices round the hall could also be provided at very small cost. What made this expenditure more objectionable was that, even according to his right hon. Friend (Mr. Layard) himself, a style of decoration with which he was unacquainted was to be resorted to. This matter really required more inquiry; this new experiment in decoration ought not to be attempted without full explanation on the part of the Government, with the beginning, middle, and end of what was proposed set before the House. The scheme of the right hon. Gentleman seemed to have originated in a very unbusiness-like manner, for, in reply to the Question he had put, the First Commissioner said he could not produce any Estimate, because the money had not been voted, whereas he had always understood that the first thing to determine was whether the proposed work was proper to be done, and then how much should be voted for it. He should vote with his hon. Friend.

Mr. LAYARD said, he regretted he had not had an opportunity formerly of fully explaining this Vote, in consequence of a division having been called, and he had not anticipated the discussion. He desired to be perfectly frank with the House in his explanations with regard to the matter. Some years ago a Royal Commission was appointed to consider the completion and decoration of the Houses of Parliament, and they made a very elaborate Report, which was drawn up under the presidency of the Prince Consort, recommending certain things to be done to complete the ornamental part of the building. Since the Report was made each Chief Commissioner of Works in his turn had carried out the recommendations of the Report; and it was not accurate to state that the House had determined that nothing more should be done without its direct sanction. On the contrary, many new works had been commenced—such, for instance, as the crypt and others—without coming to the House for their sanction. Whenever that House had interfered—and it had only done so on one or two occasions—it had been not to check the First Commissioner in carrying out that scheme, but to augment the remuneration given to celebrated artists —Mr. Maclise and Mr. Herbert, for example—for the very remarkable works they had executed for the House. His hon. Friend the Member for Swansea (Mr. Dillwyn) was altogether opposed to decorations, both in that House and elsewhere. Objecting altogether to the interference of the Government for the promotion of the Fine Arts, his hon. Friend had always voted against South Kensington, which was one of the glories of the country. He could, therefore, understand the objection of the Member for Swansea. When he (Mr. Layard) came into the Office which he had now the honour to fill, he found that the Queen's robing room had just been finished, and that the chamber of access between the robing room and the House of Lords had been finished with the exception of certain panels which still remained to be filled with frescoes, and had become a very magnificent apartment. There remained, however, some other things to be done, and amongst them was the decoration of the central hall and the Queen's staircase. His attention was called to the state of the staircase and the central hall by Mr. Barry, who showed him that the latter, which was the very turning point of the whole building, was in a very unsatisfactory state. Mr. Barry pointed out that the spaces intended for paintings were covered over with paper, which was peeling off; that the hall was so dark that a large expenditure of gas was constantly required, and that the columns and walls had been most unfortunately painted in a very disagreeable manner. He (Mr. Layard) was compelled to admit that all which Mr. Barry said upon these points was correct; and he came to the conclusion that it was advisable to do something for the central hall, the only point in question being what should be done. The Royal Commission had recommended that the blank spaces in the hall should be filled up by paintings in fresco; but his experience of paintings in fresco had led him to the conclusion that they were not suited for decorations in this country, and much money had already been thrown away upon them within the walls of that House. Not relying on his own judgment, however, he called Dr. Percy and Mr. Barry into council, and with them he examined with the greatest care all the frescoes in the Houses of Parliament. He regretted to say that the result of the examination was that they did not find one which did not show some signs of decay. Dr. Percy further made a Report to his (Mr. Layard's) Department upon the subject of wall painting, in which he stated his deliberate opinion that no wall painting could exist in London, owing to the action upon the lime of the sulphuric acid generated in the air by coal smoke and gas. The question then was, what was to be done? and Mr. Barry suggested that it might be advisable to try the mosaic method of decoration. His hon. Friend spoke of mosaic work as being a new experiment; but he must surely be aware that it was not so. In order to satisfy himself as to its merits, he (Mr. Layard) had examined that magnificent structure, the Wolsey Chapel, at Windsor, and more recently the Prince Consort Memorial in Hyde Park. The result was, that he came to the conclusion that mosaic work would be both effective and durable. It was, moreover, a cheaper method than fresco painting; for no artist of established fame would consent to fill one of the large spaces in the central hall with a painting without receiving a very large remuneration for doing so. They could, however, get an artist of recognized merit to make a drawing, and they could have that drawing re-produced mechanically and executed at one-third or one-fourth of the cost of a fresco. It was alleged that he had entrusted the work to artists who were unknown. That, however, was not the case. He had asked Mr. Moore and Mr. Poynter to supply the designs for these mosaics, and though Mr. Moore was personally unknown to him, he had been led to give him the commission from seeing some very able works of his in the Royal Academy; whilst the very remarkable painting which Mr. Poynter had exhibited two years ago, and which had been adapted to a well-known political caricature—he meant the picture of "Israel in Egypt"—would be remembered by most hon. Gentlemen. Both these artists were young men, but both were men of genius in their profession, and he thought that it was time the younger men had a turn in the decoration of the building. He was almost ashamed to tell the House what he was paying these gentlemen for making their cartoons; but there was no doubt that the honour of taking part in the decoration of the Houses of Parliament was itself of some value. As to the roof of the central hall, Mr. Barry had suggested to him that daylight should be admitted into the building by opening the lantern. Why daylight should ever have been excluded he was unable, he confessed, to make out. It appeared, however, that there was a deliberate attempt to exclude it from the building and to substitute gaslight. He was convinced that the carrying out of this alteration in the hall would not only be a great improvement in the hall itself, but would effect a considerable saving in the gas, which had now to burn morning, noon, and night in that part of the building. Mr. Barry had also suggested that the columns which had been painted in so disagreeable a manner should be removed, and re-placed by marble columns. This was the only structural alteration in the hall which it was proposed to make. He thought that the House would be surprised to learn that the total cost of the whole of the alterations and decoration in the central hall would be £8,000. Did the House know what the two small corridors between that House and the House of Lords had cost for frescoes only? The amount had been nearly £12,000, and he had been asked this year to give another £1,000 for glazing the frescoes, which, however, he had refused to do. He would like briefly to call the attention of the House to the state of the Estimates. That building was one of the great attractions of London, sometimes as many as 30,000 persons visiting it in a single day, and he thought that no one would doubt that they ought to make the central part of the building worthy of the whole structure. In 1856-7 the estimate for works in the House was £49,000; in 1866-7 it had risen to £61,000; in 1867-8 it had fallen to £55,000; in 1868-9 it was £54,900; and he had reduced it this year to £50,056. Upon works alone he had reduced the Estimate from £23,948 to £17,085, and this year, for works of Art, instead of £3,000, only £1,450 was asked for. He had gone most carefully into these Estimates, which had been proposed before he acceded to Office, and had done his best to reduce them as much as possible. As to one point which had been alluded to, he was bound to admit that Mr. Barry, in the hope of getting the work finished during the coming Recess, had entered into some arrangements which no doubt led him to incur certain liabilities. He (Mr. Layard), however, must alone be considered to blame in that matter, and if they cut off the Vote now the responsibility must rest upon him. He was prepared to meet the proposal of his hon. Friend the Member for Brighton (Mr. White) by reducing the Vote for Coals and Candles by £500, and he would endeavour to reduce the expenditure as much as he possibly could, though he did not think that, upon the whole, it was prudent to reduce it to too low an amount.

Mr. WHITE explained that he had originated the discussion by proposing in Committee of Supply that £2,500 should be deducted from the Vote. In doing so he did not intend to effect merely a cheeseparing reduction. He did it from an apprehension of the consequences of embarking in a new scheme of decoration. He also thought the House should have been consulted on the subject. He made not the slightest objection to the proposal to admit light to the central hall. On the contrary, he sympathized with the right hon. Gentleman on that point. He only wished to oppose the putting of mosaic in the blank places there.

Lord JOHN MANNERS said, that after the touching explanation of the First Commissioner that he was responsible for the contracts entered into if the House did not agree to the Vote, it would scarcely be proper to divide the House against it. At the same time, he was bound to say that if the incidents which the right hon. Gentleman had so frankly related to the House had occurred whilst he (Lord John Manners) was in Office, he felt perfectly certain that the hon. Gentleman the present Secretary for the Treasury (Mr. Ayrton) and the right hon. Gentleman who sat next him (Mr. Gladstone) would have been very loud indeed in denouncing such a course as that which had been taken by the First Commissioner of Works. The right hon. Gentleman had taken great credit to himself for having reduced the Vote for decorative works; but in the early part of his speech he had very fairly and properly said that in the Queen's robing room, the Peers' corridor, and various other parts of the Palace, works which had been in progress for a number of years, had now come to an end. In the Vote taken last year for decorative works there was a sum of £1,500 to pay Mr. Maclise, according to the recommendation of the Royal Commission. If they took away that £1,500, the House would see that even last year there was no greater sum voted for decorative purposes than was proposed to be taken in the present Estimates. He did not wish, however, to press that controversy further. He regretted that more time and opportunity had not been given to the House to consider whether mosaic would be a desirable and useful decoration. He thought the right hon. Gentleman had given some good reasons why the House should agree to the Vote; and he hoped that, under the hands of the right hon. Gentleman, they would see the central hall and other parts of the building decorated in a creditable and lasting manner.

Mr. TITE said, that all foreigners agreed that the central hall was the finest part of the building, and in this opinion he entirely concurred. He was sorry to see it remain unfinished; but he should be equally unwilling to see a new style of decoration adopted. The Hall was octagonal, four sides being lighted with enormous windows, and the other four being blank spaces, which were intended to be filled in with frescoes, but which were now simply papered, and presented a most discreditable appearance. Some decoration ought to be applied, and the mosaics of Professor Salviati had been largely and successfully used in Rome and other places. He feared the experience gained had shown that English artists did not understand frescoes, and that a style of decoration which had been very successful in Italy had failed here. He must protest, however, against any change in the architecture of the central hall. He would remove every fragment of paint and paper, but he would introduce no marble columns into it. He quite concurred in the proposal to open the lantern, which would give increased light and render the gas less necessary. He should be glad to see the four panels filled in, so long as no alteration was made in the magnificent architecture of the central hall.

Mr. HUNT said, he did not enter into the question as a matter of taste, but he wanted to ask a question with respect to the financial responsibility incurred. What he understood from the admission of the right hon. Gentleman was, that he had contracted for the work before Parliament had given its sanction to its being done. He would like to know whether the right hon. Gentleman at the head of the Government would defend that course?—for it was one that, except under very extraordinary circumstances, the House had a right to resent. He wanted to know whether application was made to the Treasury to sanction that expenditure; and, if so, what answer was given by the Treasury?

MR. ALDERMAN LUSK said, he thought that all new works ought to be discussed, and their plans laid before the House before contracts were entered into and agreements made that were binding, instead of coming for a Vote after this was done. When the Vote was previously before the House the right hon. Gentleman told them that it was a question of light; but it now turned out that it was not a question of light at all, but of decoration. It was not fair to take a Vote of the House for one purpose, when another purpose was intended. He would recommend that this Vote should stand over; for he believed that this new decoration was but the beginning of fresh expense, and would prove to be like the letting out of water.

MR. HEADLAM said, he did not sympathize with the strong language that was often used in that House with regard to the decorations of the House—he thought much of it was very good. With regard to the question now before them, he understood it meant the substitution of mosaic for frescoes in the decorations of the central hall. Now, he had examined the mosaics in the buildings to which his right hon. Friend referred; and relying—not upon his own judgment, but upon that of competent friends—he considered that the effect was very fine, and that it might be properly introduced into that House. He thought, after the clear statement that had been made by his right hon Friend, the work should be allowed to proceed.

MR. BERESFORD HOPE trusted that the hon. Member for Swansea (Mr. Dillwyn) would not persist in going to a division, after the fair and clear exposition they had heard from the right hon. Gentleman at the head of the Board of Works. This was not opening the floodgates of a new expenditure, as some Gentlemen seemed to think. It was the decoration of one specific apartment, the very central apartment of this palace, which, from the very beginning, was intended to be decorated. A cheap mode of doing so had now been discovered, which had not only been introduced at Windsor, but in the octagon chapel at St. Paul's, under the sanction of the late Dean Milman; and all who had seen the process spoke of it with admiration. Nothing brought this country more into ridicule and disrepute abroad, nothing more tended to fix upon us the reproach of being a nation of shopkeepers, than the habit of baiting the Minister for every new decoration in the capital, whether in parks or gardens, or public buildings. This habit went on year after year in Committee of Supply—certain Members attending for the purpose from seven to nine — while the rest of the House was engaged in the more rational amusement of eating their dinner. But when the same habit was brought up at that hour, with the Speaker in the Chair, it was hardly creditable to the character of the House. A question had been asked—it was answered—and to carry it further, would be injurious to the character of this House.

MR. MUNTZ said, that a larger principle was involved in this question than the mere voting of £5,500. The question raised was this:—ought the public money to be disposed of, before it was voted by that House? It was not long since he had made an appeal on behalf of some overseers at Birmingham, who had been distrained upon for £12, spent in assisting some paupers to emigrate, and the answer he received from the President of the Poor Law Board was that they ought not to have spent the money till it was voted to them. Now, what was sauce for the goose was sauce for the gander. If the right hon. Gentleman had exceeded his expenditure, they could not help it. The present was only one example of the wasteful expenditure which was going on, with or without the sanction of Parliament, in every Department of the Government, and which could no longer escape the notice of that House. With regard to the architectural character of the House, and the estimation in which it was held by foreigners who visited it, he would content himself with repeating what he had heard that very day from a foreigner in the lobby—who said to him, "I wonder that you English, who think yourselves the most practical people in Europe, should spend such vast sums upon ornament in this place, when you have not a House fit to hold you." If an alteration in the building was to be made, let it be done all at once, instead of by these odds and ends, which were a constantly-recurring source of expense. If the hon. Member for Swansea (Mr. Dillwyn) carried his Amendment in this instance, its effect would be most salutary.

MR. GLADSTONE said, the hon.

Gentleman who had just sat down said with great truth that that question, which raised the question of the general relations of the House to the public expenditure, and to its control over that expenditure, was of more importance than the sum in dispute, though that was not insignificant. He had postponed answering the question of the right hon. Member for Northamptonshire (Mr. Hunt) till the arrival of his right hon. Friend the Chancellor of the Exchequer (who had just entered the House). On his authority—for, of course, he had no knowledge of the matter himself — he had to say that the expenditure in question was recognized by the Treasury as a fit one to submit to the House in the Estimates. That was an answer to the first question put by the right hon. Gentleman. The more important question related to the subject of contracts—whether they ought to be entered into before a Vote of the House was taken upon the expenditure. Now, with respect to that subject, he must guard himself by saying that, though nothing could be more easy than to lay down a general and inflexible rule upon this subject, yet it would not be wise to lay down the general and inflexible rule with regard to all our public Departments that it should be absolutely necessary before a contract for any service is entered into that a Vote of Parliament should be taken for that particular sum. That was a matter of great delicacy and importance to determine; and he should be glad if the House itself at any time would institute an inquiry and endeavour to define more accurately than had ever yet been done by authority what the descriptions of contracts were which might be entered into on the discretion of the responsible Departments before a Vote of that House had been taken. Subject to certain exceptions, he thought the practice that had hitherto prevailed was improper, and ought not to be continued. Now, let them apply the rule as fairly as they could. He did not claim this to be an exceptional case, as the noble Lord thought. What he took to be the state of the case was this — Where the service was continuous, and carried on from year to year — where the services were well defined, and where they involved no novelty, either in principle or action—then, though he was far from saying that, even in such cases, contracts ought to be entered into before the Votes of the House were taken, yet such had been the practice, and therefore he thought that, whether it was right or wrong, they ought not to visit with severity that particular case. Where there was any service to which a novel character was attached, it was beyond the discretion of any official or of any Department, except under very peculiar circumstances indeed, to order the execution of any part of the work before a Vote of the House was taken. Now, how did this apply to the two questions before the House — the decorations and the alterations in the structural arrangement? The question of decorations fell under the first of these classes, while the structural arrangement did not. The decorations were authorized by a series of annual Votes of that House, all of which originated in the recommendations of a Royal Commission appointed twenty or thirty years ago, in reference to the decorations of the Houses of Parliament. He was aware that a question had been raised by his right hon. Friend the Chief Commissioner of Works very recently as to the kind of decoration, and whether they should adopt a process other than that of frescoes. That was a question upon which a Vote of this House might fairly be taken if the House thought fit; but in respect of contracts for decoration, when Votes had been granted from year to year, and when there was nothing unusual in the extent of the decorations contemplated, they assumed the character of a continuous work, and though it might be wise to establish prospectively a more stringent control over contracts made in such cases, yet, as the habit and custom were established, he thought the House ought not to exercise its power severely in this particular instance. With respect to structural alterations, however, he drew a broad distinction. If it were intended to cut out the ribs or piers in the central hall, that would be a structural change of a totally new character, and he did not think the House could be called upon to acquiesce in a contract formed with regard to it before a Vote of that House, or when only a Vote on Account, had been taken, for it would strike at the very foundation of Votes on Account if the House had not a security on the responsibility of the Government that money voted on Account should only be applied for the established services, and not by any means for new works. The proposition of his right hon. Friend was founded upon a principle, because he undertook that the alterations which had been referred to should not be executed; and the Vote was simply for the purpose of giving effect to that principle. In regard to the continuation of a series of decorations, the case was wholly different. The Government thought the series ought to be continued, and if any partial contract had been entered into with respect to it it did not appear to him to be a matter for retrospective censure, and therefore he recommended the House to accept the reduction of the Vote tendered by his right hon. Friend.

MR. HUNT said, he would repeat the question which the right hon. Gentleman the First Commissioner of Works had not answered. Whether before the right hon. Gentleman made the contract he made application to the Treasury, and whether the Treasury gave their sanction? He understood from the right hon. Gentleman that the Treasury approved of the Vote being submitted to Parliament; but he asked if the Treasury was concerned in the contract?

MR. LAYARD said, he did not think that any application had been made to the Treasury before the conclusion of the contract.

MR. SCLATER-BOOTH said, he thought the right hon. Gentleman at the head of the Government had fallen into an error in saying that the decorations were ever made the subject of contract previous to the Vote of that House. He believed that on examination the right hon. Gentleman would find that the Vote was always taken before the contract was made. He therefore doubted whether the decorations ought to be regarded as a continuous Vote.

Question, "That '£34,026' stand part of the proposed Resolution," put, and *negatived.*

Question proposed, "That '£28,526' be there inserted."

MR. LAYARD moved that the sum be £31,026.

Amendment proposed to the said proposed Amendment, by leaving out "£28,526," and inserting "£31,026," —(*Mr. Layard,*)—instead thereof.

MR. BONHAM-CARTER said, the right hon. Gentleman had told them the name of the artist who had been contracted with. But he had not told them what the nature of the contract was. This was the more important as they had not hitherto been fortunate in the Fine Arts. They did not want any more statues which were too large for their niches and which had to be placed somewhere else. He wanted the right hon. Gentleman to tell them who was to execute the mosaic.

MR. LAYARD said, the question was entirely in the hands of the two gentlemen he had named. The artist was to furnish the drawing, and to prepare the cartoon, and Mr. Barry was to see it carried out. The mosaic work was purely mechanical.

MR. HUNT said, he thought this question had now assumed a serious shape. It was not a question of mosaic or fresco; it was a question as to the relations between the Executive Government and the House of Commons in matters of finance. The right hon. Gentleman at the head of Her Majesty's Government had laid down too vaguely the rules with respect to contracts for works which had not been sanctioned by Parliament, and in his opinion precedents would not warrant such doctrines at all. He did not say that there might not be circumstances in which the Government might enter into a contract without consulting the House. It might be necessary that part of some works should be executed in one year and part in another, and under such circumstances a Department would be justified in making a contract with the consent of the Treasury, the Government taking, of course, all the responsibility. This power, however, ought to be exercised as seldom as possible. Could anyone say that the public service would suffer if this Vote had been postponed for another year? If the President of the Board of Works had applied to the Treasury for their sanction and they had granted it they would have done wrong. But here they found a subordinate Department entering into a contract without referring the matter to the Treasury at all. [Mr. LAYARD made some remark across the table.] It might not have been the right hon. Gentleman himself, but it was done in his Department, and he was responsible for it. He could hardly conceive that the right hon. Gentleman at the head of the Treasury or the Chancellor of the Exchequer would have given their sanction to such a proceeding when they found a subordinate Department thus entering into contracts without authority, and for which there was no necessity. It was a case on which the House of Commons ought to put down its foot.

Mr. LAYARD confessed he had done wrong in permitting Mr. Barry to enter into the contract—which he had done, however, without his (Mr. Layard's) knowledge. But Mr. Barry had represented to him that by entering into these contracts and making his preparations, he would be able to complete the work during the Recess, and thus save much inconvenience to Members; the scaffolding could be put up the very day the House adjourned, and the work would be finished before they sat again.

Mr. BOUVERIE said, he regretted that his right hon. Friend had left this matter so entirely in the hands of Mr. Barry. In former times complaints used to be made of the elder Mr. Barry having been allowed to carry on works without sufficient supervision. In the present case his right hon. Friend confessed that he had committed great irregularity. It would, he thought, be unreasonable, after the statement of the Prime Minister, to give what would look something like a vindictive Vote, and because his right hon. Friend the First Commissioner of Works had made a slip, to refuse to grant the money.

The CHANCELLOR of the EXCHEQUER said, that if the House were to refuse to agree to the Vote they would be punishing, not so much the First Commissioner of Works as those innocent persons who had undertaken the work in question under the contract. It was absolutely necessary for the public service that the House should support those who were its agents, for otherwise the credit of the Government would be greatly injured. He had also a word to say to the right hon. Gentleman opposite (Mr. Hunt) who was so severe on his right hon. Friend. He would ask the right hon. Gentleman whether he, when in Office, was not a party to the granting of a certain sum of £53,000 for increasing the Industrial Museum at Edinburgh? The right hon. Gentleman maintained that the Government ought not to enter into a contract without the consent of the House, and that was, no doubt with some exceptions, a very sound doctrine to lay down. But what had the right hon. Gentleman himself done? He had undertaken that if the Corporation of Edinburgh widened certain streets, he, on his part, would give an additional sum to increase the Industrial Museum in that city. The people of Edinburgh put themselves in a position to perform their part of the contract, and held the Government to their bargain, and the result was an expenditure of £53,000 on the contract entered into by the right hon. Gentleman, without the consent of Parliament.

Mr. HUNT said, that the contract which he had made was this—that if the Corporation of Edinburgh would widen certain streets he would submit a Vote to Parliament for increasing the grant to enable the trustees of the Edinburgh Industrial Museum to add another section to that building.

Mr. HIBBERT suggested the withdrawal of the Vote, which was asked for merely to try an experiment in a prominent part of the building. If such experiment were necessary he thought it ought to be made in some other portion of the building.

Mr. T. BARING said, the real question was not whether the conduct of the First Commissioner was or was not open to censure; but whether, the contract having been made, those who had entered into it should be compelled to sustain an injury.

Mr. SINCLAIR AYTOUN said, that if he had had any doubt as to supporting the proposal of the hon. Member, that doubt would have been removed by the speech of the Chancellor of the Exchequer. If the House overlooked the conduct of the Government on the grounds stated by the right hon. Gentleman a fatal blow would be struck at the responsibility of the Executive to Parliament.

Lord CLAUD HAMILTON protested against an experiment being made in decoration on such a place as the central hall. One of its advantages was not certainly abundance of light.

Mr. W. H. GREGORY said, it was clear that those who were in favour of rejecting the Vote took that course not so much because of æsthetical considerations as because of an irregularity which, however, he must remind them was not likely to occur again.

Question put, "That '£28,526' stand part of the said proposed Amendment."

The House *divided:*—Ayes 97; Noes 187: Majority 90.

£31,026 inserted.

Resolution, as amended, *agreed to.*

### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

### CANADA RAILWAY LOAN.

#### RESOLUTION.

MR. SINCLAIR AYTOUN, in rising to call attention to the manner in which a portion of the money authorized to be raised under "The Canada Railway Loan Act, 1867," had been applied, said, in 1867 an Act was passed for the purpose of enabling the British North American Provinces to unite themselves under one Government. The House was told that it was essential to the Confederation of these Provinces that the railway communication should be completed between Halifax and Quebec. Amongst other provisions contained in that Act, it was enacted that the Commissioners of Her Majesty's Treasury should be empowered to grant a loan of £3,000,000, to be raised by the Government of Canada, for the purpose of completing the Intercolonial Railway. Certain conditions, however, were imposed by the Act—one for the conveyance of troops; another that the line selected should be approved by one of Her Majesty's Principal Secretaries of State; and a third that the Treasury should not guarantee the loan until the Legislature of Canada had passed an Act for the appropriation and expenditure of the money upon the works of the Intercolonial Railway. A Bill was accordingly passed in the Dominion providing for the fulfilment of the conditions required by the Imperial Act. Mr. Rose, the Financial Minister of Canada, was in London in June and July, 1868, and expressed his wish that the British Government would afford the means of speedily raising the money sanctioned by Parliament. He stated that he was informed that the condition of the money market was favourable for raising the loan. In consequence of communications addressed to the Colonial Office and to the late Chancellor of the Exchequer (Mr. Hunt), the Duke of Buckingham approved the line, and the loan was then guaranteed. In a Memorandum to the Governor General of the Dominion, Mr. Rose stated that it would not be possible to lay out the money obtained under the guarantee at interest unless the Government of the Dominion were prepared to accept a very insignificant rate of interest, and he thought a preferable plan would be to employ a portion of the money in redeeming the debts of the Dominion. That Memorandum was approved by the Governor General, and the plan was carried out. It appeared from the Budget speech of Mr. Rose to the Parliament of the Canada Dominion that he had invested in the sinking fund at 6 per cent 270,000 dollars. He paid off the Imperial loan for constructing canals, 681,330 dollars, and had paid 985,562 dollars due to Messrs. Glyn, and 2,500,000 to the Montreal Bank. Altogether he had thus employed 5,808,595 dollars, being an annual interest of 350,000 dollars of the money raised under the Imperial guarantee, and he stated that there had been a total gain of over 126,000 dollars in the interest account. He (Mr. Aytoun) contended that such a disposition of the money was in contravention of the Canada Loan Act, the condition of the granting of that Act being the appropriation of the money to the construction of the line of railway in question. He did not call in question Mr. Rose's conduct, because Canada was virtually an independent country, and Mr. Rose was only responsible to the Parliament of Canada. All he wished to show was that Mr. Rose had contravened the Act of Parliament in spending the money raised, and that if the Intercolonial Railway was to be made, it must be made out of other money than that raised on the Imperial guarantee. The very fact that Mr. Rose talked of recouping the loan showed that he had appropriated it to other purposes. The late Government were in Office at the time of these transactions, but they were not responsible for the non-compliance with the conditions of the Act of 1867. The principle of that Act was that the line should be approved by the Secretary of State. That was done, and the Act of the Canadian Parliament was passed, containing a clause for the raising and appropriation of the money; but the late Government would have acted in a more judicious manner if they had followed precedent, and raised the money here in small instalments, sending it over as required. At the same time there was no reason to believe that they in any way sanctioned the mode of appropriation adopted by Mr. Rose. They had acted strictly within the conditions laid down by the Act, and could not be blamed, nor could the present Government be held responsible for what was done by Mr. Rose; but what appeared extraordinary and reflected little credit on our public Departments was this, that the Memorandum recommending the application of this money in the redemption of a portion of the debts of the Dominion was submitted to the Governor General, and approved by him in August, 1868, without his communicating the fact to the Government at home. Another circumstance which was not creditable was this—that while the 4th section of the Canada Railway Loan (1867) Act required that there should be laid before both Houses of Parliament, within fourteen days of the beginning of every Session, a statement and account showing what had been done from time to time in execution of the powers of the Act by the Commissioners of the Treasury and the Parliament and Government of Canada, no such statement had been laid before Parliament till within a very few weeks. He had put a Question to the Under Secretary for the Treasury on the subject, and the answer he received was that the Session having commenced in November, and sat only a few days, there had not been time to lay the account on the table. Now this appeared rather an extraordinary way of interpreting an Act of Parliament—to say that because a thing could not be done within a certain time it should not be done at all. The statement ought to have been laid on the table in February, or, at all events, in March. He had now stated to the House the facts of this case, and his reasons for thinking that there had been a contravention of the Canada Railway Loan (1867) Act. If he was right in his conclusions, the occurrence appeared to be one of a very serious nature. What was to become of the control of that House over the public expenditure if, after Acts passed providing for that expenditure on particular objects, or guarantees of money to be expended in a particular manner, the conditions under which those Acts were passed were disregarded? He therefore hoped the House would not refuse to express its disapprobation of the manner in which the money raised under this Act had been applied. The hon. Member concluded by moving the Resolution of which he had given Notice.

Mr. MONK seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the application of money raised under the Imperial guarantee, in pursuance of 'The Canada Railway Loan Act, 1867,' to the redemption of a portion of the debt of the Canadian Dominion is contrary to the intention of that Act; and that no further guarantee should be given by the Commissioners of Her Majesty's Treasury under the above Act, except in such form and manner as shall ensure the direct application of the money so guaranteed to the construction of the Intercolonial Railway,"—(*Mr. Sinclair Aytoun,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HUNT said, he should merely call attention to the provisions of the Act under which the loan was guaranted, and according to which the Commissioners of the Treasury under the late Government had acted. The Act provided that the Commissioners of the Treasury were to guarantee a loan at 4 per cent of a sum not to exceed £3,000,000, to be raised for the construction of railways within the Canadian Dominion, provided they were satisfied certain conditions specified in the Act had been complied with. Under that Act it was the Canadian Government, and not the Imperial Government, that was concerned in raising the loan. If the conditions named in the Act were found to have been complied with, then the Treasury was to give the guarantee, and it appeared to him that the conditions had been complied with. The hon. Gentleman (Mr. Aytoun) stated that the Treasury had acted strictly in conformity with the Act; but that instead of guaranteeing this large sum to be raised at once, it should have been by instalments. It was left under the Act to the Canadian Government to raise the money, and not to the Imperial Government; and they thought they acted in accordance with their interests, and in furthering the interests of Canada, by enabling Canada to raise the money on the most favourable terms. It was stated to the Imperial Government that the then state of the money market was exceedingly favourable for the raising of the money, and it was also advantageous both to this country and Canada that the money should be raised on good terms. Under these circumstances the late Government did not hesitate to accede to the request of Mr. Rose on the part of the Government of Canada, that the money should be raised on our guarantee in the way it was done. The question raised was whether it was the duty of this Government to see to the *ad interim* investment of the money? That question was considered by the Government, and it appeared to them that the Act did not cast that duty upon them, and that if they had imposed that condition it would have put terms upon Canada in addition to those imposed by the Act. The late Government maintained that the Act imposed no such duty upon them, and no such condition upon Canada; and if the bonds had been given with that conditional guarantee they would have been much prejudiced in the market. The late Government being satisfied that the conditions had been duly complied with, considered it was their duty to give an absolute guarantee, so that no question should be raised in the money market. That was the view taken by the Treasury at the time, and he had no reason to suppose that it was not a sound view. He did not, however, understand that the hon. Gentleman impugned the conduct of the late Government in that matter, but the question was whether Canada had acted in violation of the Act. It was unfortunate that the hon. Member should have brought forward this question before the Papers on the subject had been presented to the House. He (Mr. Hunt) had no official knowledge of what had been done in the matter; but he understood that two most important documents that contained a full statement of what had actually taken place had reached this country, but that they were not before the House, and, consequently, he was not prepared to form an opinion upon the subject until he had seen them. He thought the Canadian Government were justified under the Act in investing the money they did not actually want at the time for the railways, in good securities; but in the absence of official information he was not prepared to give a positive opinion. He had stated frankly what had taken place under the late Government in that matter, and what were the considerations which had influenced them in reference to it, and he hoped that statement would be satisfactory to the House. He regretted that he had been compelled thus early to address the House; because if the conduct of the late Government in respect to the matter was impugned, he would be prevented by the forms of the House from addressing them again upon this subject.

MR. T. BARING said, he had not gathered from the speech of the hon. Gentleman who brought forward that question anything but these two points —first, that he condemned the mode in which Mr. Rose had employed the money obtained by the loan; and, next, that he wished that Her Majesty's Government had exercised a stronger control in the matter. It was unnecessary to go into the history or objects of that loan. It was well known that our North-American Provinces held an intercolonial railway to be a necessary condition of their union. It was thought in those provinces that their union would strengthen their power, and at home that it would lessen their dependence upon this country. When the loan for the making of the railway was proposed to be guaranteed by the Imperial Government, the idea was scouted that the Imperial Government should exercise any interference in the disposal of the money. It was stated that we should give the guarantee for the loan; but that we should not be responsible for its disposal —that Canada must dispose of it and would employ it for the purposes for which it was given. It was hardly just, and certainly not generous, to throw a suspicion upon the Canadian Dominion as to the application of that money. Canada had shown its power to redeem it, and its readiness to meet its engagements fully after the loan of 1842. Every penny of that loan had been re-paid; this country had not lost a fraction by that advance to Canada, and there was no reason to doubt that the same course would be pursued in the present instance. Then, how was the Dominion of Canada to make contracts for an expenditure of £4,000,000 sterling without having something more than a promise to send the money? The money must be there, and must be forthcoming when wanted. Contracts had been entered into in various quarters of the Dominion to the extent of about £1,000,000 sterling. By the Act the raising of the money was left entirely at the option and decision of the Government of the Dominion. It was not attempted to borrow the whole amount, but one-half of it, or £2,000,000 sterling; and a more favourable time for raising it could not have been chosen. The hon. Gentleman supposed that all the money had been disbursed, and that there would be nothing at the command of the Canadian Minister; but he believed that the whole amount would be at the command of that Minister, who had placed it in securities on which he could borrow again if desirable, or which he could sell whenever he wanted the money. Supposing the case were the case of this country, aud they had a large loan, say for the West Indian Indemnity, or for the relief of the Irish, or for fortifications. The money raised by the Government would, he supposed, in the interim, before it was wanted for its specific purpose, be employed in some way or other; and what better investment could they have for it than the security of the country itself? The credit of Canada was good; there could be no doubt that that money was available and would be forthcoming when wanted; and the contracts that had been made would be gradually met. Mr. Rose, the Finance Minister, had, he thought, acted very judiciously in the way in which he had employed the money. If the guarantee had been accompanied by such restrictions as the hon. Member thought desirable, either the guarantee would have been declined and the whole arrangement upset, or, if it had been accepted on those terms, this country would have made it more onerous for Canada to carry these operations into effect, and more difficult for her to fulfil the objects of the Act. The object was to facilitate the operations of the country in obtaining the money on the best terms. In consequence of the operations of Mr. Rose, the charge incurred in consequence of the loan would be much lightened, and he might add that the general result of the transactions had been, up to the present time, extremely successful. It was, he thought, unjust for them to exhibit constant suspicion and distrust with regard to the colonies in matters of that kind. He believed that the English people did not approve of such a course, and he was confident that the people of Canada deserved different treatment. As to Mr. Rose, those who knew him must be perfectly aware of his personal worth; and anyone who had watched his political career must know that he would be the last man to violate the law, or do anything inconsistent with good faith. He (Mr. T. Baring) thought it desirable that the House should know that the raising of this question of morality—for such it was viewed in Canada — in this country had created a feeling of soreness in the Dominion which it was most desirable to remove.

Mr. GLADSTONE: If the right hon. Gentleman (Mr. Hunt) had not much to say on this subject, I think I have still less to say. But there are two purposes for which I rise. One is to state what I conceive to be the nature of the question now raised. The hon. Member who has just sat down has replied with a warmth and generous feeling, which everybody must commend, to the attacks made upon the Government of Canada, and has deprecated a repetition of such attacks; but I apprehend that he has been making an answer rather to criticisms which have been made elsewhere than to anything said in this House. I do not think my hon. Friend intended in any manner to impugn the good faith of the Government of Canada; and I hope it will be understood that, as far as Canada is concerned, there is no question of imputation or aspersion, great or small. Indeed, I should no more think of casting doubt upon the good faith of the Government or Ministers of Canada than I should of casting doubt on the good faith of the Government or Ministers of this country. In that place both Governments ought to be recognized as standing upon one and the same footing, and topics of such a nature ought to be excluded from discussions like the present. It is perfectly true, however, that there is such a thing as punctuality in complying with the provisions of an Act, and any neglect in such compliance might deserve the censure of the House. But, independently of any reference to Canada, it is no doubt the duty of the House to watch strictly over the application of Acts of Parliament, and most of all over those which deal with the subject of guarantees. This subject will, doubtless, be brought forward again at some future time, and I wish to say, on the part of myself and my Colleagues, that if any of the correspondence now going on between the different Departments of the Government and the Government of Canada should appear, I hope it will be considered subject to the general principle I have laid down—namely, that the whole question raised is one of technical and strict compliance with an Act of Parliament. It is the duty of the Government to raise the question; but they have raised it simply as a matter of business, without in the slightest degree impugning the good faith of the Canadian Government. Independently of that, I desire to point out to my hon. Friend some reasons why he should not take a vote on his Motion to-night. In the first place, the Motion, though it does not directly impugn the good faith of the Government of Canada, is certainly in the nature of a censure on the proceedings of that Government. My hon. Friend is not justified, however, in taking up such a position, because he is not in possession of the information necessary to enable him to form a correct judgment as to the conduct of the Government of Canada. In his Motion my hon. Friend speaks of a reduction of a portion of the debt of the Dominion of Canada as a thing to be censured; but the hon. Gentleman who sits opposite (Mr. Baring), who is perfectly acquainted with the subject, speaks not of a reduction of debt, but of investment and security; and he says it was quite right that the Government of Canada should provide that its balances should not lie idle. My right hon. Friend near me (the Chancellor of the Exchequer) is a Commissioner for the Reduction of the National Debt, and is one of the largest holders of his own securities, but he does not thereby redeem any portion of his own debt. The two things are perfectly distinct. I think my hon. Friend will do well not to press his Motion at the present time, on the simple ground of the respect due to the Canadian Government, and the total inadequacy of the information possessed by us. The second part of his Motion says—

> "That no further guarantee should be given by the Commissioners of Her Majesty's Treasury under the above Act, except in such form and manner as shall ensure the direct application of the money so guaranteed to the construction of the Intercolonial Railway."

I think it would be very unwise for the House to commit itself upon this latter part of the Motion, because the House is very imperfectly acquainted with the dealings of the Canadian Government, and still more unacquainted with the proceedings of the Government at home. The Government at home have thought it their duty to examine into the question whether all the proceedings have been conformable with perfect regularity, and whether the intention of the Act has been complied with; and that being a legal question, we intend to be guided by legal advice. They are in deliberation at the present time. With regard to the form of the loan, of course they will be responsible on that subject to my hon. Friend and to the rest of the House. Considering that these proceedings have not been brought to a close, I hope my hon. Friend will be satisfied with that assurance. One word more in relation to the Government of Canada, in addition to what I have said with respect to the unquestionable good faith of that country. This Act of Parliament itself, I must own, is not a very clear and satisfactory Act of Parliament. I am not casting any blame on anyone. I do not know at what time the Act of Parliament was drawn, but I think it is drawn in less distinct terms than it ought to be. The right hon. Gentleman opposite said, truly, the main question was respecting the first of the conditions in the 3rd clause—that is, the condition that the Treasury should not give a guarantee under the Act until an Act had been passed in Canada providing for the appropriation and expenditure of the money for the purpose of constructing the railway. I cast no censure upon the late Government, nor do I know whether the late Government were cognizant of that to which I am about to refer; but if the late Government were cognizant that this money was to remain in the custody of private firms——[Mr. HUNT said, that the late Government had not been cognizant of it.]—I understood they were not cognizant of it, but there was nothing in the Act of the Canadian Parliament to prevent it, because it left an entire discretion as to the management and investment of the loan; and if that Act of Parliament were judged satisfactorily here, I am not surprised that the Canadian Government should not have taken upon themselves to question it. All they were required to do was to pass an Act that would meet the approval of the Government here; and whether their proceedings were consistent with the Act or not, it is no wonder that they should use without control their discretion, as if we had nothing to do with it whatever. The question is not ripe for discussion. If discussion shall at any time be required—on which I give no opinion at all—but if a discussion should arise, it is a question more particularly connected with the duty of the House respecting the custody of public trust funds than a subject bringing under censure the conduct of the Legislature and Ministers of the Canadian Dominion.

Mr. MONK said, he entirely agreed with what had fallen from the hon. Member for Huntingdon (Mr. Baring) as to the credit of the Canadian Government. Nothing less than an act of bankruptcy could prevent the expenditure of a sum of money equivalent to the loan which had been guaranteed by this country on the formation of the Intercolonial Railway. A portion of his hon. Friend's Motion stated—

> "That this House is of opinion that the application of money raised under the Imperial guarantee, in pursuance of 'The Canada Railway Loan Act, 1867,' to the redemption of a portion of the debt of the Canadian Dominion was contrary to the intention of that Act,"

and his right hon. Friend the Prime Minister said that the House had no information on the subject. In the Papers laid upon the table the House had no information. They were indebted to the Press of this country and of Canada, and to a speech of Mr. Rose for the information they possessed. Mr. Rose said that the Government of Canada invested a portion of the guaranteed loan in the Intercolonial Fund at 6 per cent, thus reducing their debt by 270,500 dollars, and then he proceeded to say that they paid off the Imperial loan, the advances from Messrs. Baring and Glyn, and the Bank of Montreal, bearing 7 per cent interest, and the balance owing to the Ontario Government. Now, if that was not a redemption of debt, he did not know what was. Instead of being applied to the construction of the railway it had been—temporarily he granted—applied towards the redemption of the debt. That could not be controverted, as it had been stated by Mr. Rose himself. The fact was, that the Canadian Government found itself in the possession of considerable funds, and they thought it would be a convenient opportunity for reducing their debt. He believed, with the information furnished by the right hon. Gentleman the Under Secretary for the Colonies, his hon. Friend had been perfectly justified in bringing forward the subject; but he did not think it would be desirable that the House should, at the present moment, express any opinion upon it.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

## SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £91,045, to complete the sum for Post Office and Inland Revenue Buildings.

In answer to Mr. Alderman Lusk,

Mr. LAYARD said, the General Post Office in St. Martin's-le-Grand was not equal to its requirements, and an entirely new office was to be erected opposite to the present building.

Mr. Alderman LUSK asked what was to be done with the present building? Was any part to be utilized for extra offices that would now be required for telegraphic purposes?

Mr. AYRTON said, it would be kept up. The new building was to be in addition to the existing one.

Vote *agreed to.*

(2.) £58,475, to complete the sum for Harbours of Refuge.

Mr. Alderman LUSK observed that last year the Committee was told only a few thousands more would be wanted; he could not, therefore, understand why demand was here again made for £22,000. The original Estimate for Alderney Harbour was £755,000; but £1,324,000 had been spent upon it.

Mr. SHAW LEFEVRE said, this was

the last Vote that would be required for harbours.

MR. DODDS said, he was delighted to hear it. In the North of England people were going begging for means to improve really useful harbours, while vast sums were being frittered away to no purpose, comparatively speaking.

Vote *agreed to.*

(3.) £3,300, to complete the sum for Portland Harbour.

MR. BOWRING said, it was worthy of notice that this harbour had cost £14,000 less than the original estimate.

Vote *agreed to.*

(4.) £7,000, to complete the sum for Metropolitan Fire Brigade.

(5.) £19,839, to complete the sum for Rates on Government Property.

MR. ALDERMAN LUSK said, that while the whole Vote for four years past had only amounted to £27,000, it was this year £2,000 more. Moreover, an office seemed to have grown up in connection with the Vote, and that office and the salaries it involved cost £900 a year. He wished some explanation about this office, or he would move the reduction of the Vote by the sum of £900.

MR. AYRTON assured the hon. Member that he was in error in his reading of the Votes. The rates, during some years past on Government property, amounted to £36,000, and the different appearance the Vote assumed now arose from a transfer of part of the charge to another Vote. The total charge on this account amounted, as the explanatory Vote showed, to £39,175, which, however, was not a real increase on recent Votes. The Government long since agreed with the House that it would decide at what rate public property should be assessed to local rates, instead of leaving the matter in the hands of local officials. To carry out this arrangement an officer in the Board of Works was appointed with assistants, as described in the Vote; but the arrangement led to a vast amount of circumlocution in cases of rating property belonging to the Army and Navy, and it appeared to him that it would be better to have the officer in the Treasury, and settle the matter without departmental correspondence. It had been decided to charge the rates to the Department whose property was rated, and next year the items would appear in the Army and Navy Estimates. He could not say he liked separate establishments, and hoped in time to get the officer and his assistants incorporated in the Treasury; but Departments were sometimes stronger than reformers, and prevented beneficial changes.

LORD JOHN MANNERS said, he did not know what the hon. Member meant by "Departments being stronger than reformers," and he did not know to what Department he referred; but the Office of Works had nothing to do with the rating of Government property, and had become mixed up in the matter only because the Government, in casting about for an officer to superintend and control that novel service, found Mr. Austin, the then secretary of the Office of Works, who was experienced in rating and had also gained experience in the office of the Poor Law Board, and appointed him to the office. When Mr. Austin retired from the Office of Works the connection between that Office and this Vote ceased.

MR. ALDERMAN W. LAWRENCE said, that his objection was not to the largeness of the Vote; but that the public offices did not contribute their fair share to the taxation of the metropolis. He wished to know upon what principle offices occupied by the Civil Service were entitled to exemption? The Home Office and the new Foreign Office had the advantage of good drainage, but they did not contribute anything towards it.

MR. CANDLISH said, he was glad to hear that some reform was contemplated in the matter of this Vote. It appeared to him that the Government offices, as well as all other offices, should pay a fair proportion towards the local rating. As to the Departments being stronger than the Treasury, the hon. Gentleman the Secretary to the Treasury was all-powerful in that Department, and surely an inspector, his clerk, and an extra clerk were not too formidable for the prowess and courage of the hon. Gentleman? He hoped that the item for the salaries of these officers, who existed to investigate claims for contributions, would disappear from the Votes, and that we should have a general rating Bill, applying to every species of property, not excepting Sunday schools.

MR. M'LAREN said, that the Government property in Edinburgh was not rated, and no contribution was made at all by it. That principle he considered to be most unjust. Government property everywhere should be placed on the same footing in regard to rates.

Mr. CARTER said, Government establishments ought not to be exempt from rates, for in many instances they contributed largely to pauperism. No doubt there were many large establishments that would like to appoint their own officers to determine what rates they should pay, as the Government did; but he hoped the Government officers would be abolished, whether they were compensated or not, and that all Government establishments would be subjected to all rates, local and Imperial.

Mr. CAWLEY said, that Salford contained a large extent of Government property, and received nothing, although the streets around the barracks had been paved. He should, therefore, like to know on what principle contributions were made?

Mr. Alderman LUSK complained of the Vote being increased over that of last year. He should move that it be reduced by £1,000, unless some satisfactory explanation was given by the Secretary of the Treasury.

Mr. AYRTON said, he had not the rules with him, but there were rules, and they were strictly administered; but the chief consideration was the proportion which Government property bore to the whole amount of property in a parish, and it was in cases in which a certain proportion was exceeded that a contribution was made. When the system was re-arranged each Department would be responsible for the expenditure which belonged to it, subject to the control of the Treasury.

Mr. RYLANDS said, he was not satisfied with this explanation. He thought that Government property, wherever situated, should be made liable to the payment of its fair proportion of local rates.

Mr. CAWLEY trusted that the Government would, at some future time, explain to the House the rules by which these matters were regulated.

Vote *agreed to.*

(6.) £1,800, to complete the sum for Wellington Monument.

(7.) £267, to complete the sum for Palmerston Monument.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £95,455, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland."

Mr. CANDLISH said, that this was a large Vote, and contained a vast number of items. He desired to know how and by whom these Estimates were prepared, and what machinery existed for thoroughly analyzing them before they came into the hands of the Secretary of the Treasury? He observed £46,362 for New Works and Alterations in Ireland. Athough there was a reduction in the sum total from the Vote of last year, there was a considerable increase amounting to £7,788 in sub-sections B C D E and F. Believing that the Department would not suffer if the amount granted did not exceed that asked for last year, he should move the decrease of the Vote by £7,788.

Motion made, and Question proposed,

"That a sum, not exceeding £87,667, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland."—(*Mr. Candlish.*)

Mr. MONK asked the meaning of the £500, which for the first time was asked for on account of "contingencies" in connection with Phœnix Park, Dublin? It was, of course, impossible for the House of Commons to investigate such Votes as these, complicated as they were by so many items; but he could not help thinking that the question asked by his hon. Friend the Member for Sunderland was a very pertinent one, and that was, under whose supervision were these Votes prepared, and who guaranteed the accuracy of the sums which the country was thus called upon to pay?

Mr. AYRTON, in reply to the question of the hon. Member for Sunderland (Mr. Candlish), said, that the original estimate was prepared by the Board of Works in Ireland—a Board which exercised in regard to Ireland functions very similar to those which his right hon. Friend performed in England. That Board was in direct communication with the individual establishments on whose behalf this expenditure was called for. It received from them a statement of their individual requirements. These statements it carefully investigated, and then a schedule, very much more in detail than the statement in the Votes, was prepared, containing an explanation of every minute item. The Chief Commissioner in Ireland came to London with this mass of papers, and he (Mr. Ayrton) went through every item with him, acting on the principle that it was for him to show the necessity of each item, and challenging him to make good every claim upon the public purse. Many of the items originally demanded were struck out, in consequence of the explanation proving unsatisfactory. It was only those against which he could find no objection that he had allowed to remain. The original claim was much larger than it now appeared, and he could assure the Committee that the result of the examination to which it had been submitted had created great dissatisfaction in Ireland. With regard to the items of increase, one increase was occasioned by a change having been made in the supply of water necessary for Dublin. The £500 for contingencies, however, had hitherto been voted under the head of "Civil Contingencies," and had been re-paid. The Vote for contingencies was put into this Estimate rather than into a supplementary one. If no contingency arose the money would stand to the good.

MR. CARTER asked an explanation of the item of £170 for Irishtown Church, and the item of £18 for furniture and fittings of the said Church? He believed that in the Army Estimates a Vote was taken for the salary of a clergyman, a clerk, and a sexton of the Irishtown Church.

MR. M'LAREN said, he thought the item of £14,835 for furniture for the public buildings in Ireland a very extravagant one. Last year the amount under the same head was £10,168, making a sum of about £25,000 for two years. No such amounts were ever asked for public buildings in Scotland, though that country contributed £2,000,000 annually to the Imperial Revenue more than was contributed by Ireland.

MR. ALDERMAN LUSK called attention to the item of £1,777 for maintenance and repairs of metropolitan police courts and stations in Dublin, in addition to the large sum voted last year. The total amount required for courts and stations was £7,916. He found that for the Chief Secretary's lodge and gardens in the Phœnix Park £1,432 was required, though £1,465 had been voted for them last year.

MR. SERJEANT DOWSE said, he did not know that Scotland contributed more towards the Imperial Revenue than Ireland, but he did know that Ireland had more inhabitants than Scotland, and he presumed, therefore, that the Irish required more furniture than the Scotch. It was a subject of complaint in Ireland that the people there did not receive enough of the public money. Since he entered Parliament he had frequently been asked by his constituents and others to whom was to be attributed the Imperial stinginess towards Ireland. He thanked his hon. Friend the Secretary to the Treasury for enabling him to answer the question. He hoped his hon. Friend the Member for Finsbury (Mr. Alderman Lusk) would show the same economical spirit when the Votes for this metropolis came to be considered as he was manifesting in the case of those for the Irish metropolis.

MR. HIBBERT said, he hoped that the expenses of the police courts in London would receive the attention of the hon. Member for Finsbury (Mr. Alderman Lusk). He thought some explanation was required as to why the expenses of the six prisons had been placed in this class, rather than in the one to which the prison departments more properly belonged.

MR. MONK inquired how it was that all educational Votes for Ireland did not come under the general educational Votes?

MR. RYLANDS remarked upon the large sum, £3,165, required for furnishing the Dublin police courts.

MR. M'LAREN said, that the offices in Dublin must regularly sell their furniture on the last day of December and purchase new on the first day of January each year to require £14,000 per annum for movables.

MR. AYRTON said, it was quite impossible for him to carry in his head the details of all the items of the Vote, which had been considered at the time. With regard to the item for furniture, to which his hon. Friend the Member for Edinburgh (Mr. M'Laren) so strongly objected, he might remind him that fittings as well as furniture were included, such as glass cases for museums and the fittings of new buildings. Under the system which prevailed in Ireland, all requirements for buildings, furniture, and fittings were placed under the Irish Board of Works, and it therefore became necessary to group them in some such way as they appeared in the Estimate. With regard to the item for the Church he had not taken upon himself to commence the work of disestablishment, and therefore he had continued the Vote which had been annually granted ever since the Union. Dublin was supplied with water under an Act of Parliament which fixed the amount of the rate to be charged.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(9.) £2,362, to complete the sum for Ulster Canal.

(10.) £26,810, to complete the sum for Lighthouses Abroad.

Mr. CANDLISH complained that no account had been rendered to the Audit Office of the expenditure of the money voted for 1868.

Mr. Alderman LUSK asked, why it was that there was every year a re-Vote of some £10,000 or £20,000; and he also asked whether it was the Board of Trade or the Trinity House that was responsible for spending this money?

Mr. SHAW LEFEVRE replied that the Board of Trade spent the money, though the Trinity House was occasionally employed to render services. The contracts were made abroad, and that often led to delay, and caused a re-Vote of the money. The cause of the accounts of expenditure not having been furnished for 1868 arose from some delay on the part of the Indian Government.

Vote *agreed to.*

(11.) Motion made, and Question proposed,

> "That a sum, not exceeding £687, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Maintenance and Repairs of Embassy Houses Abroad."

Mr. POLLARD-URQUHART observed that a large sum was asked for year after year for the Embassy House at Paris, and he thought it better that a certain fixed amount should be allowed the Ambassador for repairs.

Mr. W. FOWLER said, that if they went on spending money in this fashion on the Embassy House at Paris the building would soon be full of nothing but furniture. A clerk of works was also constantly employed at the Embassy House, at a salary of £185 a year. To bring these things under the notice of the Committee, he would move that the Vote be negatived.

Mr. MONK said, he thought that the sum of £1,787 for the repairs of the Embassy House at Paris was more than they should vote. For an annual rent of that amount an excellent house for the purpose might be obtained.

Sir PATRICK O'BRIEN said, that the Embassy at Paris required a house of a high character, and some years ago, as the charges for the Embassy House were great, the Government undertook to make whatever changes in it might be necessary gradually. However, it was one thing to spend money for repairs and another to keep an officer in Paris as clerk of the works; and if these works were carried on by contract, the permanent officer in Paris might be dispensed with, and an officer of the Board of Works might occasionally visit Paris to survey the works, providing himself with a return railway ticket for a month.

Mr. LAYARD said, the hon. Member for Gloucester (Mr. Monk) was greatly mistaken in supposing that a fit house could be obtained for a rent of £1,700, for in Paris the rents were higher than in London. He had been over to Paris lately, and he was thoroughly ashamed of the state of the furniture in the upper rooms of the Embassy House. It was an expensive house to keep up, and constantly required repairs, and perhaps the best plan would be to have a new house. A clerk of the works had been appointed for some years, because the House desired that there should be some one in Paris to look after the expenditure; but he would consider whether arrangements might not be made for sending a person to Paris occasionally to inspect the building.

Mr. CANDLISH said, he thought the statement just made was discouraging. There was £3,600 spent in 1868, £1,900 in 1869, and now £1,700 more was asked for. He should like to know what security they had that the sum they were asked to vote for that building would not be exceeded.

MR. MONK said, he thought that the statement made by the right hon. Gentleman the First Commissioner of Works with respect to the state of the Embassy House in Paris was discreditable to the Ambassador. They had been annually voting £1,600 or £1,700 for the building, and yet it appeared that it continued in a very dilapidated condition. Some years ago it was said that economy would result from having a clerk of the works always at Paris, but the consequence was that there had been an increase of expenditure.

SIR HENRY BULWER said, it seemed to him extraordinary that they should every year have to vote that sum. He suggested that the Vote should not be rejected, but that the Government should be asked to give some details; so that the House might be able to judge what the expenses consisted of, and whether they were likely to go on year after year to the same amount. No facts had been stated on which this Estimate was founded.

MR. HERMON said, they had last year voted on that account something like £2,000, and they had no assurance that by granting a similar sum this year they would not be throwing good money after bad. He attributed this continual expenditure to the clerk of the works at Paris, who would generally find work to do.

MR. AYRTON said, that subject had engaged the very serious attention of the Committee up-stairs. That Committee had called for a detailed account of the expenditure under that head; their Report would soon be published, and he had no doubt that when hon. Members read it they would be very much surprised, as the Committee had been, by its details. That expenditure had often been discussed in the House, but he did not think it had been understood; and when it was understood he believed that hon. Members would see the significance of the statement made by his right hon. Friend the First Commissioner of Works that an inquiry would be instituted into the outlay with a view to the introduction of a new system. His right hon. Friend had told him that the subject would be carefully considered by his Department, and after that assurance he (Mr. Ayrton) hoped they would be prepared to pass the Vote.

MR. HIBBERT agreed with the hon. Member (Mr. Hermon) in attributing the chief part of the expenditure at Paris to the presence of a clerk of the works in the Embassy House there, and said he should move to reduce the Vote by the sum of £185, the allowance of this officer.

Motion made, and Question proposed,

"That the Item of £185, for Salary of the Clerk of the Works in charge (including allowance for Lodging), be omitted from the proposed Vote."—(*Mr. Hibbert.*)

LORD JOHN MANNERS, said that every sort of system had been tried to produce economy in the two Embassy Houses of Paris and Constantinople, and all alike had failed. But he certainly believed that Lord Lyons, the present Ambassador, did not deserve the censure which had been cast upon him by the hon. Member for Gloucester (Mr. Monk). He had himself always found in Lord Lyons a zealous co-operator in every attempt to keep down the expense of the Embassy.

MR. POLLARD-URQUHART expressed his surprise at the description given by the First Commissioner of Works of the discreditable state of the Paris Embassy House.

MR. MUNTZ said, the noble Lord (Lord John Manners) had told them that every plan had been tried for keeping down the expenditure. But there was one plan they had not yet adopted, and that was to discontinue the Vote. It was absurd to suppose that £2,000 could be really required every year to keep that house in repair. He believed it was all to be attributed to the appointment of a clerk of the works, for while they had such an officer he would naturally be always finding something to do. He was persuaded that, if they discontinued the Vote of £185 for the clerk of the works, and employed an eminent Parisian architect, the expenditure under the present head would be diminished by at least one-half.

MR. SEELY said, he thought it was very undesirable that they should vote separate sums for every kind of petty work at the Paris Embassy House, because such a system was sure to tend to careless and extravagant expenditure. He would suggest that that system should be abandoned, and that, for the future, the Ambassador should receive a lump sum which should cover the entire of his outlay.

Mr. OTWAY said, the Embassy House at Paris was a very large and expensive one, and from its size and condition must always require a considerable amount of annual expenditure. He could corroborate what the noble Lord opposite (Lord John Manners) had said of Lord Lyons, than whom there was no man more disposed to economy or more likely by observation to prevent any improper expenditure on the house in which he lived.

Sir HENRY BULWER thought, with reference to the observations of the hon. Member (Mr. Ayrton), that the Committee should have means of understanding the Vote before they were called upon to pass it, and it should rather be deferred until this information was supplied.

Colonel SYKES said, that a reduction had been made a few years ago in the Vote for the Embassy at Constantinople by expunging from it the salary of the clerk of the works. Whether owing to that reduction or not he could not say, there had since been a decrease of £1,335 in the Vote for that Embassy, and, perhaps, an equally satisfactory result would follow if the item were struck out in the present instance.

Lord JOHN MANNERS, referring to the advice which had been given by the hon. Member for Birmingham (Mr. Muntz) to the effect that the office of clerk of the works should be abolished, and that the services of a first-rate Parisian architect should be secured in his place, observed that some years ago an eminent Parisian architect had been employed, and that he should never forget the length of his bill.

Sir PATRICK O'BRIEN suggested, that as the present Embassy House in Paris was an old tumble-down building, it should be sold and a new house obtained in its stead. The public would, he thought, be gainers by the transaction.

Mr. LAYARD said, he saw no great objection to having the office of clerk of the works done away with, which he believed was established at the suggestion of the House. If, however, the Committee would leave the matter in his hands, he would take care that it should be looked into, and if he found the abolition of the office was likely to lead to economy, the charge for it should not appear in the Votes next year.

Mr. HIBBERT said, that being satisfied with that assurance, he should not press his Amendment.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(12.) £37,585, to complete the sum for Embassy Houses, and Consular Buildings, Constantinople, China, Japan, and Tehran.

Mr AYRTON said, that the balance which the Committee was asked to vote was less by £10,000 than the original Estimate.

Mr. MONK said, he was not aware whether any part of that reduction referred to the Embassy House at Constantinople. Presuming that it did not, he wished to ask the Secretary to the Treasury to explain — for he knew that, as an independent Member, he objected to the sums which were expended on some of our foreign Embassies—how it was that the sum of £10,000, which had been voted for the purpose of building a country house for our Ambassador at Therapia, had been exceeded by £3,000? He desired also to call attention to the large sums which year after year the House was asked to vote for the Embassy House at Pera, in building which a sum of £80,000 was not many years ago spent. It was true, as had been stated by his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes), that the office of clerk of the works at Constantinople had some time since been abolished; but then he found that there was a salary for a superintendent put down in the Estimates, and he wished to know whether he was not much the same functionary as a clerk of the works, for he had a very strong suspicion that such was the case? He desired further to say that there appeared to be two sets of plans for the house at Therapia, the original plans of a local architect having been superseded by those of Colonel Gordon, whose plans, he understood, had since been modified by those of some other official at Constantinople. He hoped his hon. Friend the Secretary to the Treasury would inform the Committee which of those plans had been finally fixed upon.

Mr. AYRTON said, he entirely sympathized with the dissatisfaction which his hon. Friend seemed to feel at the expenditure which was incurred in connection with the establishments which we kept up at Constantinople. It had, however, been the policy of this country for some years to keep up great establishments in that city. His hon. Friend was right in stating that he (Mr. Ayrton) had constantly protested against so large an expenditure; but he was obliged to take matters as he found them, and to accept the expenditure which was deemed to be necessary for the purpose of making our Ambassador comfortable. Not only had he a mansion at Constantinople, but a country house at Therapia also provided for him at the public expense. Provision had, besides, to be made for his secretary, as well as for the maintenance of an hospital and courts of justice. The whole of the expenditure for keeping up these and other establishments amounted to £32,816, the item of £4,000 being for the completion of the building at Therapia. It was impossible for the Government, dealing with this question in the advanced stage in which they found it, to do more than they had done. The expenditure was as final as expenditure usually was. He did not know what demands might be made from Constantinople another year; all he could say was he would do his best to resist them.

SIR HENRY BULWER observed that previous to the change of the clerk of the works the Ambassador had no control whatever over the expenditure. The clerk of the works made a job of the whole business. It was found very advantageous to do away with the clerk of the works altogether. As to the house at Therapia, he should like to have some idea of the work done and what there was still to construct. He thought that the house now provided would not be a very satisfactory one. He did not think the expense would be confined within the £10,000, and there would be always a constant and useless expenditure upon it.

COLONEL SYKES said, he was altogether at a loss to understand how there had been a diminution under this Vote of £10,000. There was a great fallacy in the statement of his hon. Friend the Secretary to the Treasury as to that reduction. He strongly objected to the sum of £174,000 proposed to be taken for the purchase of land in China and Japan. He was very glad to hear from the right hon. Gentleman below him (Sir Henry Bulwer), who had occupied so distinguished a position in Constantinople, that the clerk of the works had not been restored, and that subsequent to his dismissal a considerable saving had been effected.

MR. STANSFELD begged to inform his hon. and gallant Friend that the Treasury had sent out an extremely able and economical public servant (Major Crossman) to make inquiry with reference to the erection of the proposed consular establishments in China and Japan. He had very nearly completed his inquiry and survey to ascertain the cost, and had given the Government information on which they reduced the demand for the present year. He also informed them that, unless the demands were sifted, criticized, and reduced, they would lead ultimately to a considerable increase above the original estimate. Major Crossman had asked for leave of absence, and it was deemed advisable to comply with his application, consult with him personally on the subject, and devise some means for the reduction of the Estimate. He was expected daily to arrive in England; it would be his duty to communicate with him on the subject, and he could assure his hon. and gallant Friend the Vote would not remain at its present amount unless he were satisfied it should.

VISCOUNT BURY said, he had always understood it was the duty of the Secretary to the Treasury to consider what sum was necessary before proposing a Vote; he was therefore rather surprised to hear it stated that the proposed sum was as final as expenditure usually was, and no hope was held out that it would not be ultimately exceeded. Unless some Member of the Government gave a more satisfactory explantion he should move to reduce this Vote.

MR. AYRTON said, he had stated that this money was required to complete plans and estimates made before the present Government came into Office. At the same time he must say he did not admire the policy of keeping up an expensive establishment at Constantinople.

SIR HARRY VERNEY said, he had never heard a less satisfactory explanation of a Vote; for if any one could explain those Votes it was always the Secretary to the Treasury. He hoped some assurance would be given that no more money would be asked for.

MR. MONK said, he thought the Committee had a right to know whether £4,000 would be enough to complete the buildings. Last year he had taken the sense of the Committee on this subject, but he had been beaten by 2 to 1.

MR. W. F. COWPER gave credit to the Government for a general intention to be economical, but he had no confidence in their power of being economical at Therapia. The clerk of the works who used to be there was paid, not by fees, but by salary, and being responsible only to the Office of Works it was his business to enforce economy. What machinery had the Government for enforcing economy, since the Vote of the House would disestablish him? If matters were left to the local architect or to an engineer officer, that would account for the fact that no one knew what the new buildings at Therapia would cost. At so great a distance the Government at home could exercise no control, but they ought to have some one on the spot.

MR. AYRTON said, there was a superintendent at £300 a year, who was responsible for the expenditure. The sum now to be voted was to complete the house and to furnish it. Of course, demands were always made for keeping up these establishments, but it would be the duty of the Government to resist any further expenditure for these buildings.

MR. ALDERMAN LUSK said, he would like to know something about the expenditure in China and Japan. Last year the Government asked for £37,000 for Japan, without giving any explanation as to what it was for; and now £10,000 more was asked for buildings, but no one knew anything of the details, which were yearly promised but never given.

LORD JOHN MANNERS said, he was sorry to hear the remarks made by the right. hon. Gentleman (Sir Henry Bulwer) with regard to the clerk of the works at Therapia. His differences with that officer were tolerably well known. [SIR HENRY BULWER: I never disagreed with the clerk of the works, but I did not approve what he did.] Well, the clerk of the works was not there to explain. His position was felt to be incompatible. He was necessarily a man of comparatively humble position, and no great amount of good was likely to flow from his efforts to keep down expenditure. The abolition of his office was therefore rather beneficial than otherwise. He had been succeeded by a simple superintendent, and perhaps it would be advisable if some explanation were given from the Treasury Bench as to the relationship subsisting between that superintendent and the Embassy. His own opinion was that at present there was no connection between the Office of Works and the Embassy House at Constantinople, and that it lay either with the Foreign Office or Treasury to decide what money was required for the Embassy House. The Secretary of the Treasury had given the Committee to understand that although it had been his duty to defend the Vote, he had no great sympathy with it, and that, indeed, he rather disliked the whole system which regulated our international affairs at Constantinople. That, however, was a large question of policy which could not be discussed in Committee of Supply. He thought the Committee need have no difficulty whatever in agreeing to the Vote under discussion, because it was only intended for the carrying out of the plan sanctioned by the House last year.

SIR HENRY BULWER said, that in his time the clerk of the works appeared to have entered into many unnecessary expenses; but when the office was abolished a much smaller sum than was previously expended was allowed the Ambassador, within which he was to keep the outlay. During the year he had the management of that sum he left a considerable balance unexpended. He thought it a far better and simpler plan to have one man who was responsible than to have a person sent out from the Board of Works, at very great expense, over whom the Ambassador had no control, and over whom it was impossible for one residing in London to have any.

MR. SINCLAIR AYTOUN inquired whether the superintendent really performed the same duties as the clerk of the works had done. When the clerk of the works had disappeared it looked very much as if a new office of the same kind had been created. He wanted to know how the superintendent differed from the clerk of the works?

SIR HENRY BULWER said, the clerk of the works was sent out by the Board of Works, and had the entire control and management of the expenditure; the superintendent, who in his time was suggested by the Ambassador, and confirmed, of course, by the Government at home, was appointed at a much less salary; his business, no doubt, was to keep down the expenditure, and to go over the accounts, but he had not the unlimited control that the other possessed.

MR. MUNTZ said, he agreed with the right hon. Baronet the Member for Tamworth (Sir Henry Bulwer) that a great deal of good would be done if a fixed sum was granted for all the European Embassies. The sum asked for was not very large, but it was a constantly increasing expenditure. He could not vote for the proposed reduction; but there was one item which required explanation—that of £800 for "adapting old buildings." When we were erecting new buildings, why were not the old ones sold?

SIR JOHN HAY asked whether the right hon. Baronet the Member for Tamworth would add this further information, who this superintendent was? Was he the old clerk of the works transmogrified?

SIR HENRY BULWER said, he could speak only for what had occurred in his own time. The superintendent that he suggested was an Englishman and an architect. He was certainly not the same person as the clerk of the works.

MR. AYRTON said, the superintendent was the Vice Consul at Constantinople.

SIR JOHN HAY wished further to know what qualifications he had for the discharge of the duties to which he had been appointed?

MR. AYRTON said, he had not been appointed by the present Government; but he presumed that those who had selected him were satisfied with respect to his fitness for the office. It was no doubt a difficult task to know how to meet all the requirements of Consuls and Ambassadors, but the policy in question did not begin with these Estimates. Her Majesty's Government, on assuming Office, could not undertake to solve all the difficulties. As to the £800 to which the hon. Gentleman (Mr. Muntz) had referred, it was for putting part of the former house into a state fit for occupation by the secretary, because when the Ambassador went to Therapia he was accompanied by his secretary.

MR. STANSFELD said, the Government were not satisfied with the present arrangement in connection with the Embassy at Constantinople, and that the charges would not appear in the Estimates next year without some modification. He would make the same statement with respect to the Embassy Houses in China and Japan. Colonel Crossman had been sent out specially to report upon the subject, and was now on his way home with information for the direction of the Government. He could assure the House that the charges in connection with the Embassy Houses in these countries would also be revised before the Estimates were made up next year. With respect to the new buildings at Teheran, that was an arrangement made by the late Government, and, as far as he could judge, it was a reasonable one. A proposal came home as to the old buildings, which were in an extremely bad and ruinous condition, and would cost £15,000 to repair. But the noble Earl (the Earl of Malmesbury) thought that a better site could be chosen, upon which a new residence could be built, while the old property might be sold. It was important to have a good supply of water, and that would be obtained at the new site, and he had reason to believe that the Estimate of £20,000 would not be exceeded.

Vote *agreed to.*

(13.) £31,438, to complete the sum for House of Lords Offices.

MR. WHITE asked for some explanation of this Vote. For some years, when there were a large number of Private Bills before Parliament, the House of Lords had more than sufficient to pay its expenses; latterly the reverse had been the case, but he wished to know what had been done with the surplus of those years. Among the items requiring explanation he noticed two principal door-keepers, £900, one of whom was a receiver of fees with another salary; and there was a "necessary woman," with a salary of £208.

MR. LOCKE KING inquired whether the sum of £4,000 paid to the Lord Chancellor was intended as his salary as Speaker in addition to his salary as Lord Chancellor; how it happened that the Chairman of Committees in the House of Lords received £2,500, while the Chairman of Committees in the House of Commons received but £1,500; and what salary Black Rod received in addition to an amount of £90 for fees mentioned in the Votes?

Mr. AYRTON said, he hoped the Committee would view with satisfaction the appearance of the particulars of this Vote for the first time in the Estimates; the demand of the Upper House could now be compared with the charge on account of the House of Commons. As the salaries would, no doubt, be reviewed as vacancies occurred, there was a chance of the Vote being reduced. He could not explain the language describing an official referred to; but believed the designation justified the appointment, since she was described as "a necessary woman." The surplus funds had been carried into an account to secure superannuation allowances for retired officials of the House of Lords, in accordance with the wish of the Committee of the House which dealt with such matters. The payment of £4,000 to the Lord Chancellor as Speaker was in addition to the payment made to him out of the Consolidated Fund as Lord Chancellor. The salary of Chairman of Committees in the Lords was fixed a long time ago, and it was not for the Treasury to require the reduction of such salaries under the circumstances. With reference to the item for the Usher of the Black Rod, the salary paid to him was very small; but he was an officer belonging to the Household, and as Usher he was placed by Her Majesty in the House of Lords, receiving certain fees for the performance of his duties. He did not know what the fees amounted to, but whenever the office became vacant the present system would be discontinued. The Treasury had been in communication with the Lord Chancellor with the view of fixing a certain salary for the Usher of the Black Rod, instead of payment partly by fees and partly by salary. The arrangement would be a considerable saving to the public.

Colonel SYKES observed that they were upon the first of forty-one Votes in Class II., in twenty-seven of which there were increases amounting altogether to £386,000. He was sorry to find this increase under an economical Government when two great Departments—namely, the War Office and the Admiralty—had managed to retrench. The prospect of twenty-seven wrangles drove him to despair, and he gave it up.

Mr. SCLATER-BOOTH thought if they compared the Estimates for the two Houses those for the Lords would favourably contrast with those for the Commons.

Mr. GOLDNEY wished to know whether the receiver accounted for the whole of the fees, or for those that remained after certain payments were deducted—whether, in fact, he accounted for the gross or the net amount of the fees?

Mr. AYRTON said, that under the new system he would account for the whole gross amount of the fees.

Vote *agreed to.*

(14.) £36,482, to complete the sum for House of Commons Offices.

Mr. LOCKE KING wished to know why the salaries of the Speaker and the Serjeant-at-Arms were not included in this Vote?

Mr. AYRTON replied that they were charged on the Consolidated Fund.

Mr. DENT asked for an explanation of the charge for four Referees of Private Bills at £1,000 each?

Mr. SCLATER-BOOTH said, that by the lamented death of Mr. Hassard a vacancy had occurred in the office of one of the Referees.

Mr. AYRTON said, that the vacancy which had occurred would not be filled up. There would, of course, be no objection on the part of the Government to re-consider the amount required for Referees of Private Bills. The expenditure of that money was, in fact, not under the Treasury but under the House of Commons itself. The exact sum that was necessary for the services of the Referees during the present Session could be ascertained before the Report was brought up.

Colonel WILSON PATTEN said, it would depend on the Report of a Committee now sitting whether there would be established a Joint Committee of the Lords and Commons upon Private Bills; and in that case it was very probable that the office of Referee would be done away with. Until, however, that point was decided, he thought the Speaker should have a discretionary power as to the number of Referees to be appointed to assist Committees on Private Bills.

Mr. BOWRING condemned the system of paying officers of that House by fees, and animadverted especially upon the item of £1,500 for fees upon Private Bills.

MR. W. FOWLER said, there were great complaints of the enormous cost of carrying Private Bills through that House; but as the amount put down for those fees was only £17,000, he could not understand why the cost of such Bills should be enormous.

MR. WHALLEY said, the fees to counsel in the case of Private Bills were often exceedingly heavy; and the Parliamentary expenses of certain small railway companies, with which he had been connected, actually amounted to no less than £4,000 per mile; or, as nearly as possible, about what ought to have been the natural cost of constructing their lines. That was the result of the House retaining the existing tribunal for dealing with those questions.

MR. AYRTON explained that the item of £1,500 for fees on Turnpike Bills was merely a matter of account. In regard to the fees paid to the officers of the House, the fees were not received by those officers for their own benefit. The officers of the House were paid by salary.

MR. SCLATER-BOOTH said, the fees were paid by the public on Bills partly of a private and partly of a public character, and they were accounted for to the House.

MR. MELLOR asked for information relative to the Vote for ventilation.

MR. AYRTON stated that the Establishment charges of the House of Commons were not regulated by the Treasury, but by a Committee of this House, who forwarded the Estimate to the Treasury, and who, he presumed, carefully considered the requirements of the House before making the Estimate.

MR. SCLATER-BOOTH said, there was no such Committee appointed by the House.

MR. AYRTON said, the expenditure was regulated by statute, and a Committee was appointed by the statute, consisting of the Speaker, the Chancellor of the Exchequer, and the Home Secretary.

MR. SCLATER-BOOTH said, he was not aware of the existence of such a Committee appointed by the House.

MR. ANDERSON said, he saw this item in the Votes — one of £724 and another of £500 for messengers. He wished to know whether the Votes included the salaries of the men who delivered the Votes and Papers at hon. Members' residences, and whether they were so insufficiently paid that they had to ask hon. Members for gratuities?

MR. DILLWYN wished to know who was responsible for the Vote for lighting and ventilating the House, as the present and late Secretaries of the Treasury differed in opinion upon that point?

MR. AYRTON said, the Speaker, the Chancellor of the Exchequer, and the Home Secretary were a Committee for that purpose, and they were appointed by statute, and they were responsible for the salaries, and not the Treasury.

MR. BROGDEN asked for an explanation of the item of £500 fees to the clerks for attending divisions. He objected to the clerks being paid by fees.

MR. AYRTON said, it was a sum paid in addition to their regular salary, for their attendance at the divisions of that House. They had, of course, to remain so long as the House sat, and this sum was distributed amongst them for those extra and special duties. To them it was an extremely arduous service, because they did not take the same interest in divisions that hon. Members did.

Vote *agreed to.*

(15.) £39,275, to complete the sum for Treasury and Subordinate Departments.

MR. DILLWYN asked for an explanation of the sum of £460 for audit clerks.

MR. SCLATER-BOOTH asked for an explanation of the item for the salaries and office of the Parliamentary draftsman. Although an increased sum had been awarded to that Department, he still found an item of £1,000 for additional services.

THE CHANCELLOR OF THE EXCHEQUER replied that it was quite impossible for one or even two persons to draft all the Bills required by the Government, and the arrangement now made was this — the counsel for the Home Office was appointed Parliamentary counsel for the whole Government, and was provided with as much extra assistance as was necessary for drawing all the Bills for the different Departments. There was some economy in this arrangement, as compared with the old system; but, what was of still greater importance, there would now be uniformity in the drafting of the Bills of the Government. Last year, while the

Parliamentary counsel of the Government had £2,000, another counsel, not regularly employed by the Government, had £3,500. It was time to put an end to such a system; and the fresh arrangement, by which all the work was put into one hand, would he believed, be found both more economical and more efficient than the old one.

Mr. SCLATER-BOOTH said, the new system did not appear to get rid of the anomaly of engaging other counsel to assist the Parliamentary draftsman of the Government, who did not therefore appear to have gone far enough to make his department complete in itself.

Mr. AYRTON said, the object now was to keep the fixed establishment of the draftsman at the lowest possible point, and obtain extra help when it was wanted. In answer to the hon. Member's (Mr. Dillwyn's) question, he had to state that the clerks referred to did not audit accounts, but they examined the accounts before they were sent by the Treasury to the Audit Department.

Mr. W. M. TORRENS said, that in this Vote there was included a sum of £14,000 for the salaries of the First Lord of the Treasury, the Chancellor of the Exchequer, a Third Lord of the Treasury, and two Junior Lords; a third Junior Lord serving without salary. Now, he was not about to object to that amount, which he thought a moderate one; but, on the contrary, what he wished to bring under the notice of the Committee was the objection which existed to the principle of accepting the services of one of the Junior Lords without a salary. For the Marquess of Lansdowne he had the greatest respect. He believed it was notorious that his Lordship had devoted himself with much zeal to the duties of the office which he had undertaken, and that he had done so with considerable advantage to the country; but, notwithstanding the hereditary claims of the noble Lord, and his own estimable character, he thought the Government ought not to have accepted his services as a Lord of the Treasury, without insisting on his receiving a salary. The receipt of a salary by a public servant made him more directly responsible to the State. Besides the precedent of allowing a member of one of the great families who could afford to fill a public office without a salary to give his services gratuitously would destroy the principle of competition. Lord Grey had refused to allow a noble Duke to hold office in his Government without salary. He believed Lord Grey had adopted a constitutional course in acting in such a manner, and he thought the present Government would have done well to have adopted the same principle.

Vote *agreed to.*

(16.) £57,696, to complete the sum for Home Office and Subordinate Departments.

Mr. Alderman SALOMONS called attention to the fact that £5,000 or £6,000 was charged for expenses connected with the Local Government Act. Cities and towns applied to the Home Office for assistance in borrowing millions of money, and they obtained it without expense and without stamps. He disapproved of this practice.

Mr. BRUCE thanked his hon. Friend for bringing this important matter before the House. When the Public Health Act was passed it was thought undesirable to prevent local authorities seeking advice and assistance from the Home Office by fixing a scale of fees. But now the time had come to re-consider this question, and say whether localities, whose work was done by the Home Office, should not be called upon to make some contribution to the expenses. A scheme had been for some time under consideration in order to effect this, and in due time it would be laid before the House.

Mr. SCLATER-BOOTH remarked that this subject was an old one. He was glad to hear that the Government intended to move in the matter. There were half-a-dozen other departments in connection with the Home Office and the Treasury which ought to be considered with a view to an arrangement similar to that referred to by the hon. Member for Greenwich.

Mr. GOLDNEY called attention to the question of travelling expenses allowed to the Poor Law inspectors and the inspectors of schools. In the case of the Poor Law inspectors their travelling expenses were commuted for a payment of £300 a year each; but the school inspectors, who had much more travelling to do, and who were paid their actual expenses, averaged only £91 a year each for the cost of travelling. He suggested that the Poor Law inspectors should also be paid their actual travelling expenses; and then it would be seen whether their inspections were really made, about which sometimes some question was raised.

MR. BRUCE said, the school inspectors were paid a fixed salary of £250 over and above that which they otherwise received for all expenses incurred during absence from home, other than travelling expenses; and it was a fair matter for consideration whether that was the best arrangement, for it acted at present very unfairly, as some were necessarily more frequently and for longer periods absent from home than others. The question of applying the same system to mine and factory inspectors had been under the consideration of the late and the present Government; but it was found that the variety of their circumstances was so great that it was found impracticable to arrange any uniform system of fixed payments in lieu of travelling and other expenses.

MR. ALDERMAN LUSK said, he thought that all inspectors should be placed upon the same footing, and that the owners of the factories, mines, or salmon fisheries inspected should pay the expenses of the inspectors.

MR. BRUCE said, that in the case of mines and factories the inspectors were appointed in the interest not of the owners, but of the people working in them, and that, therefore, it would be unfair to call upon the owners to pay the expenses of the inspection. The case of the salmon fisheries, however, was different; the expenditure of the Government in that respect conduced to private advantage, and if a way of doing it could be found, it would only be just and equitable to make the owners pay.

MR. HIBBERT called attention to the Vote for the superintendent of roads in South Wales, and asked why that payment was kept up.

MR. BRUCE said, a great experiment was made in South Wales in the turnpike system, and he hoped the time would come when it would be followed in this country. The money advanced by Government would be re-paid in about ten years.

MR. WHALLEY said, the experiment tried in South Wales had been thoroughly successful, and he did not see why turnpikes should not be put an end to altogether.

MR. BRUCE said, he merely declined to bring in a Bill on the subject in the present Session.

Vote *agreed to.*

MR. VANCE moved that the Chairman report Progress, as it was not customary to go on with the Estimates after twelve o'clock.

Motion *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow.*

## VALUATION OF PROPERTY (METROPOLIS) (*re-committed*) BILL—[BILL 100.]

(*Mr. Goschen, Mr. Arthur Peel, Mr. Ayrton.*)

### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 11 (Grounds on which persons may object before assessment committees).

DR. BREWER *moved* in page 5, line 3, at end, add—

> "That the Assessment Committee of each parish or union shall hear and decide all appeals under this Act against the Valuation list of the said parish or union, and that an appeal from the decision of such committee shall be in the court of petty session within the sessional division of the metropolis to which such parish or union belongs."

No harm or difficulty whatever could follow from the course which he suggested, and he had received representations from various parts of the metropolis in favour of it.

Amendment proposed,

> In page 5, line 3, at end, to add the words "that the Assessment Committee of each parish or union shall hear and decide all appeals under this Act against the Valuation list of the said parish or union, and that an appeal from the decision of such committee shall be in the court of petty session within the sessional division of the metropolis to which such parish or union belongs."—(*Dr. Brewer.*)

MR. GOSCHEN said, that the Amendment was quite unnecessary, inasmuch as the 11th and 18th clauses would practically effect the object which his hon. Friend wished to attain.

MR. PEEK complained of the very unequal way in which different parishes were rated in the City.

Mr. GOSCHEN replied that the remedy was in the Bill.

Question put, "That those words be there added."

The Committee *divided:* — Ayes 21; Noes 80: Majority 59.

Clause *agreed to.*

Clauses 12 to 51, inclusive, *agreed to.*

Clause 52 *omitted.*

Clause 53 (Deductions for rateable value).

Mr. GOSCHEN *moved,* in line 38, to leave out the Proviso to the end of the clause.

Colonel BRISE objected to the Bill, as he understood many of the inhabitants of the metropolis objected to it, on the ground that it placed the valuation of property for local and Imperial taxation on the same basis. He could not doubt that if this principle were adopted in the metropolis it would soon spread all over the country.

Mr. GOSCHEN said, that all controversial matter had been dropped from this Bill, and the opposition of the metropolitan Members had been in consequence withdrawn.

Clause, as amended, *agreed to.*

Clauses 54 and 55 *omitted.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

### PUBLIC WORKS (IRELAND) BILL.

On Motion of Mr. Ayrton, Bill to extend the period for the repayment of Advances of Public Money for the construction of certain Public Works in Ireland; and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners Lands and Premises held on Public Trusts, *ordered* to be brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 202.]

### CLERK OF ASSIZE BILL.

On Motion of Mr. Ayrton, Bill to amend the Law relating to the office of Clerk of Assize and offices united thereto, and to certain Fees upon Orders for payment of Witnesses in Criminal Proceedings, *ordered* to be brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 203.]

### WAREHOUSING OF WINES AND SPIRITS, &c., BILL.

*Considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 201.]

### HERITABLE RIGHTS BILL.

Bill to abolish the Law of Deathbed, and to make certain other changes in the law of Scotland relating to Heritable Rights, *presented,* and read the first time. [Bill 204.]

House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

*Friday, 9th July,* 1869.

MINUTES] — Select Committee — *Report*— Law of Hypothec in Scotland.

Public Bills—*First Reading*—High Constables' Office Abolition, &c.* (99); Pensions Commutation * (138); University Tests * (177); Stipendiary Magistrates (Deputies) * (179); Medical Officers Superannuation (Ireland) * (180).

*Select Committee—Report*—Fine Arts Copyright Consolidation and Amendment (No. 2) * [No. 181].

*Report*—Irish Church (172-182).

### IRISH CHURCH BILL—(No. 172.)

(*The Earl Granville.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

The Earl of CARNARVON rose to propose the restoration of 1871 in Clause 2, as the date on which the Act should come into operation. Their Lordships in Committee substituted 1872 for 1871, and he should be sorry to ask them to rescind any resolution unless it had been arrived at under some degree of misapprehension and without due consideration of the subject, or unless it was calculated to prejudice the working of the measure. He thought, however, that a mistake was made on this point, and he had good reason for thinking that a very large portion of the Irish clergy preferred the earlier date. There were times when a change of this sort ought to be made as gradually as possible; but there were also times when it should be made speedily, for under a certain amount of pressure and the stress of necessity prompt and decided action was often secured. Delay would, in this instance, involve the risk of irritation and jealousy, and differences of opinion might crop up and widen, so as perhaps to lead to serious schemes. He was aware that the extension of time originated in a feeling of kindness, and in a wish to soften the inevitable pain and difficulty of the transition; but he thought it was mistaken kindness, and even if it came to the worst, it would always be in the power of Parliament, supposing any *bonâ fide* case to be made out, to give an extension of six or twelve months. He submitted the Amendment entirely in the interest of the Irish Church, believing that it would prove advantageous.

Amendment *moved* to leave out ("two") and insert ("one.")—(*The Earl of Carnarvon.*)

THE EARL OF LONGFORD said, he saw no reason for rescinding a resolution which was arrived at after full consideration. His information on the subject from Ireland differed entirely from that of his noble Friend, inasmuch as all those Irish gentlemen with whom he had been in communication expressed their preference for the date 1872 to that of 1871.

LORD CAIRNS said, that there were obviously arguments both in favour of preventing unnecessary delay and in favour of allowing the Irish Church fair time to prepare for the great change which it was proposed to effect. He suggested on a former occasion that the most convenient course would be to adhere to the alteration in Committee, and before the Report to ascertain the view generally entertained by those interested. He had accordingly endeavoured to ascertain that view; but he had found that a considerable difference of opinion existed. Under these circumstances he would suggest a course to which the Government might possibly accede. The date originally fixed was the 1st of July, 1871, and in Committee it was deferred for twelve months. Now, as their Lordships might be aware, the half-year days in Ireland were the 1st of May and the 1st of November, tithe rent-charge and rents on lands held under lease being then payable. Now, the tithe rent-charge would have to be paid up to the day of disestablishment, and fresh arrangements would then have to be made. It would be convenient, therefore, and probably conflicting opinions would be reconciled, if the 1st of May, 1871, was fixed as the date; this would only prolong by four months the period originally proposed by the Government.

EARL GRANVILLE said, that the longer the date was delayed the more disadvantageous would it be for the Irish Church, since every month would detract from the stimulus both as to arrangements and as to the assistance to be rendered by the laity in the shape of voluntary contributions. He should, therefore, prefer a reversion to the date originally proposed by the Government.

THE EARL OF CARNARVON said, he was willing to accept the middle term suggested by his noble and learned Friend (Lord Cairns), a very valid reason having been given for it, and he would alter his Motion accordingly.

THE EARL OF BANDON said, as far as he was able to judge of the feelings of the people in his part of the country, he believed they would prefer the date to be postponed as long as possible. He should therefore suggest that the date be the 1st November, 1871. He thought that Clause 24, as at present worded, would enable any incumbent to stop the commutation, not merely in his own case, but universally. This could not be intended.

THE EARL OF CLANCARTY supported the suggestion of his noble Friend in respect to the date being 1st November, 1871.

Amendment (by leave of the House) *withdrawn.*

Then it was *moved* in line 20 to leave out ("January") and insert ("May,") and in line 21 to leave out ("two") and insert ("one.")—(*The Lord Cairns.*)

EARL GRANVILLE said, that during the discussion in Committee he endeavoured as far as he could to bring the views of their Lordships into unison with those of the other branch of the Legislature; but while he was treated with more than usual personal courtesy, the suggestions he offered on the part of the Government with regard to the main provisions of the Bill were not in the least regarded. Under these circumstances he had felt that he ought not to take the initiative in any attempt to reverse decisions at which their Lordships arrived by a large majority. There was one other point connected with this clause. With regard to the retention of their seats in this House by the existing Irish Bishops, their Lordships would remember that he stated in Committee the reasons which had induced the Government to frame the clause in the form in which it appeared in the Bill originally, and that he appealed to noble Lords generally and to the Irish portion of the right rev. Bench to express their opinions on the matter before he took any decided step. He also mentioned that he had received a letter from a right rev. Prelate of the Irish Church, stating that he thought it very undesirable that any Amendment should be made. With regard to his appeal, he was told that he had hardly a right to expect an answer from the Irish Prelates whether they wished to retain their seats or not. One right rev. Prelate said that it was a very questionable boon indeed to reserve to the Irish Prelates this right; and in conversation among Members of their Lordships' House he found that there was a general impression in favour of re-considering the alterations which had been made. The appeal which he made to the Lay Lords was answered by all but one of those who spoke being in favour of the Amendment and against the proposal of the Government except his noble Friend (Lord Westbury), and he defended the clause in a way which was not satisfactory to the Government, for he entreated the right rev. Prelates to submit to what he called an injustice. Upon this he (Earl Granville) said that as there was clearly a great majority in favour of the Amendment, though the Government could not agree to it, yet he would not, under the circumstances, put their Lordships to the trouble of dividing, as doing so would lead to no practical result, and it was disagreeable to divide on what was almost a personal question. In conclusion, he now wished to say that, though he would take no initiative, he would support any Peer who should move the rejection of the Amendment that had been made, though he should regret in reference to individuals that the Amendment should be rejected.

Lord CAIRNS said, he thought it somewhat singular that the noble Earl, having in Committee invited a general expression of opinion on the Amendment before making up his mind, and all the speakers, with the exception of his noble and learned Friend (Lord Westbury), having supported it, should now almost insinuate that that invitation was a mere form, and that the unanimous view of noble Lords had produced no effect on his mind.

Earl GRANVILLE reminded the noble and learned Lord that there was one new fact—the opinion of a right rev. Prelate that the Amendment was a questionable boon.

Motion *agreed to;* Amendments made.

Lord REDESDALE said, he had given notice of an Amendment on this subject at the present stage which, as Chairman, he was unable to propose in Committee. To deprive of his peerage a man against whom no charge was made ought not to be allowed, and it was contrary to the privileges of this House that such a proposal should be sent up by the House of Commons. It was a precedent which might lead to much mischief.

The Archbishop of YORK said, that it was the extension of the date and not the retention of seats in the House which was described by one of his brethren as a questionable boon. He deprecated this demand on his Irish brethren to express an opinion as to whether or not they should continue to be Members of the House. He could only say for himself that though, under similar circumstances, he should occupy his seat but very little, still that he should greatly feel the loss of it. He spoke rather from his own feeling upon the subject than from any instruction from the right rev. Prelates.

Earl STANHOPE said, he had already stated that he had arrived with great regret at the opinion that the retention of their seats by the Irish Prelates after disestablishment would be irreconcilable with that measure, and would not be just. He had also stated that several noble Lords on his own side of the House concurred in that view. In accordance with those remarks of his, although not in consequence of them, a noble Lord sitting on that (the Opposition) side, and not now present (the Earl of Devon), had given, or would give, notice of an Amendment on the third reading which would bring this point under the consideration of the House.

The Bishop of GLOUCESTER and BRISTOL, in the absence of the Bishop of Oxford, moved a clause of which that right rev. Prelate had given notice relative to the recognition of Irish Orders by the Church of England. But after conferring with the Archbishop of Armagh, who did not wish that there should appear on the face of the Bill a clause which, though really enabling, would appear to be of a disabling character, he thought it better to withdraw the clause.

Motion *withdrawn.*

Clause 2 (Dissolution of legislative union between Churches of England and and Ireland).

LORD O'NEILL, who had given notice of an Amendment providing that the Commissioners should hold office during "good behaviour" instead of during "Her Majesty's pleasure," said he would not press his Amendment.

Clause 10 (Prohibition of future appointments).

THE EARL OF BANDON proposed an Amendment, with the view of providing that the cessation of appointments to vacant benefices should bear date from the first of January, 1871, instead of from the passing of the Act. After the decision of the House with regard to the period when the Bill should come into operation, he had little hope of success on this point, but his object was to give the Irish clergy a little breathing time. The clause as it stood would prevent any vacancy being filled up except temporarily. Now, he feared it would be difficult to find clergymen to undertake temporary duty, and that much practical inconvenience would result. The present Government, moreover, had not filled up any vacancies in Crown preferments since their accession to Office—a course which was without precedent except one in the reign of James II. Objection, he was aware, had been taken to the creation of new vested interests; but this would only benefit the holders of curacies and small livings, who had naturally looked for preferment, and on whom the Bill inflicted great injustice. Unjust and cruel as this measure was, it had been carried out with unnecessary hardship.

Amendment *moved,* in page 4, line 28, to leave out ("passing of this Act") and insert ("First day of January, one thousand eight hundred and seventy-one.")—(*The Earl of Bandon.*)

THE EARL OF KIMBERLEY objected to the Amendment, as inconsistent with the general scope of the Bill. At the end of the Bill were ample provisions for temporary appointments, which were much better than the creation of fresh vested interests, and no inconvenience could arise under them.

Amendment, (by leave of the House) *withdrawn.*

Clause 12 (Church property vested in Commissioners under Act).

EARL GRANVILLE *moved,* in page 5, line 23, after ("passed") insert—

("(3.) On the death or cession of the interest of any archbishop or bishop aforesaid, the tenants then holding directly under any such archbishop or bishop where leases had been therefore customarily renewable, shall have similar rights of renewal of their said leases, and the said commissioners shall be under similar obligations and have similar powers and rights in relation to such renewals and the rents and fines thereupon as the tenants of sees suppressed under statute third and fourth William the Fourth, chapter thirty-seven, and as the Ecclesiastical Commissioners in regard thereto had and were under respectively immediately before the passing of statute twenty-three and twenty-four Victoria, chapter one hundred and fifty; every application for any such renewal shall be made within one year from the death or cession of the interest of such archbishop or bishop, and thereupon the commissioners shall once and for ever fix for the future the rent and periods of renewal and the fine to be paid thereupon, and in case of any difference in relation to such rent or fine the same shall be referred to arbitration as herein.")

Amendment *agreed to.*

Clause 69 (Ultimate trust of surplus).

EARL STANHOPE proposed after Clause 69 to insert clause—

"Whereas the trustees of the Observatory at Armagh hold a lease of the rectorial tithes of the parish of Carlingford, customarily renewable by the See of Armagh, and under the provisions of this Bill such lease will cease to be renewable, and the aforesaid scientific institution be deprived of a portion of the annual income available for its support, it is hereby provided that the Commissioners shall pay to the trustees of the said institution such sum as shall appear to them to be a fair compensation for the loss of the said customary right of renewal."

The noble Earl said, the Observatory was founded in 1791, and had ever since that time, through the liberality of successive Irish Primates, been allowed a renewal of the lease of these tithes without fine. It did great honour to Ireland, being the only Observatory in Ireland, with the exception of that erected by the late Lord Rosse; and in Committee the noble Lord (Lord Talbot de Malahide) than whom no man was better acquainted with its merits, bore emphatic testimony to its services. He had not named any specific sum, those interested in the institution being quite willing to leave this to the judgment of the Commissioners, who were entitled to the fullest confidence. Notwithstanding the good intentions expressed on the last occasion by the noble Lord (Lord Dufferin), on the part of the Government, it would be more satisfactory if the Bill contained a distinct recognition of its claims, in the event of its not being entitled, under other clauses, to a continuance of the advantages it had hitherto enjoyed.

LORD DUFFERIN said, that further inquiry had confirmed his belief that this endowment emanated solely from the private benevolence of successive Primates, and that it had no legal claim under this Bill. He could only repeat, therefore, that he fully recognized the great services it had rendered to the country, and that the Government would, at the proper time, be quite prepared to consider any claim which might be preferred on its behalf. If it could make out a title to a customary lease the noble Earl's object would be gained; but otherwise it would be difficult to treat this case exceptionally by recognizing a claim which had no valid title.

THE EARL OF ROSSE said, that having for many years been acquainted with the gentleman who presided over this Observatory, he could speak in the highest terms of his scientific attainments and services. The Irish Church, as he understood, was to be disestablished and disendowed on account of its being the Church of a small minority of the Irish people; but for that very reason this institution ought to be maintained, since it benefited the whole Irish people and the cause of science generally. He hoped, therefore, that the Government would accede to the clause.

EARL GRANVILLE said, that the noble Earl's remarks must have been acceptable to their Lordships, since he believed he had a personal as well as hereditary right to speak on behalf of any scientific institution. The only objection to the clause was that, whatever the claims of the Observatory, they ought to be met not in this Bill, but in another manner.

THE EARL OF HARROWBY said, he hoped so excellent an institution would not be allowed to sink into obscurity, or become impoverished. The Bill originally provided for the maintenance of the Irish cathedrals, on account of their architectural and historical interest; and it was not unreasonable to provide for this institution as a relic of the liberality of the Irish Church towards science.

THE DUKE OF SOMERSET said, he thought this Observatory should be maintained in the same way as the institution at Greenwich. The money ought not to be taken out of the property of the Irish Church, but out of the Parliamentary Vote for Science and Art.

LORD REDESDALE remarked that, as it had been proposed to apply the surplus to the relief of the county cess, there was no reason why a small sum should not go to the relief of public taxation, and to an institution which would be a monument of the liberality of the Irish Church to science during the time it was allowed to retain its property.

EARL DE GREY AND RIPON said, that if the Observatory had a legal claim it would not be interfered with by the Bill, and urged that otherwise it ought not to be recognized in this Bill. The noble Duke's (the Duke of Somerset's) suggestion would have the consideration of the Government.

THE EARL OF CLANCARTY pressed for a distinct pledge from the Government to protect the Observatory from loss.

LORD CAIRNS said, that he did not think the Observatory could, in point of law, sustain a claim to a customary renewal of this lease. He hoped he had not mistaken the noble Lord (Lord Dufferin) in concluding that the Government were quite alive to the loss which the Observatory would sustain by the loss of an estate granted by the liberality of various Primates, and would consider favourably its claim for compensation. In Parliamentary language they would be prepared to submit a Vote in the Estimates for maintaining the Observatory in as good a position as hitherto, and he thought their Lordships should be content with that pledge.

EARL DE GREY AND RIPON said, he had given no pledge, but had simply stated that the Government would consider the question.

LORD CAIRNS explained that his remark had reference to the noble Lord (Lord Dufferin).

EARL STANHOPE said, he feared that "consideration" was too vague a word.

LORD TAUNTON said, he thought the Government had given a sufficient assurance, and remarked that the Irish Members of the House of Commons would be very well able to ask for the requisite Vote.

THE LORD CHANCELLOR objected to the recital, as affirming the existence of a lease customarily renewable of which no proof had been given. If, however, this was the fact, the Observatory was already sufficiently provided for. He did not wish to throw cold water on its claims, for he had been told by the President of the Royal Society that no Observatory in the world had been more useful to science.

LORD CAIRNS said, he thought the Bill would not in any case provide for the Observatory, for it recognized rights of renewal as to lands only, and not as to tithes, which, indeed, would be extinguished at the end of fifty-two years. Through feelings of liberality the lease had been renewed annually without fine, but there was no legal obligation.

EARL STANHOPE said, he was willing to amend the recital; but he was reluctant to withdraw the clause in the absence of a more distinct assurance from the Government.

EARL GREY said, he thought the claims of the Observatory might safely be intrusted to the Irish Members of the House of Commons.

THE EARL OF PORTARLINGTON wished for a more distinct pledge.

EARL STANHOPE said, he felt himself in a difficult position, being charged with the interests of others; but having taken the advice of those round him, and trusting that the favourable consideration promised by the Government signified an intention to propose a grant, he would withdraw the clause.

Amendment (by leave of the House) *withdrawn.*

Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in the House of Lords).

LORD COLCHESTER moved to add at end of clause—

("And no persons from time to time exercising archiepiscopal or episcopal functions in the said church, or holding the office of dean therein, shall be liable to any penalty under the fourteenth and fifteenth Victoria, chapter sixty, for assuming the style or title of any place or district within which they exercise such functions or hold such office.")

The noble Lord said the more he reflected the more he felt confirmed in the view he had before expressed that this was a point which ought to be decided at once, and not to be left over for possible legislation. Unless some proviso was inserted in this Bill, similar to that contained in the Ecclesiastical Titles Act with regard to the Episcopal Church of Scotland, every Bishop who proceeded to exercise his functions in the usual way would be liable to penalties under the Ecclesiastical Titles Act. If their Lordships felt called upon by the exigencies of the times to disestablish the Church of Ireland, many noble Lords on both sides of the House would nevertheless be opposed to the repeal of the Ecclesiastical Titles Act, as appeared from the discussions of last Session. At all events, there would be time enough to decide what should be done in the case of the Roman Catholic Bishops, and the better course to take would be, in the first instance, to prevent evil results to the Bishops of the disestablished Church. He believed the spirit which was opposed to his Amendment was very much of the kind which had been enlisted in support of the Bill, and that as the Roman Catholics felt in a somewhat uncomfortable position they wished not so much to raise themselves as to drag down the Established Church. The view which he took of this subject was also taken by many noble Lords on that side, and he must ask their Lordships to give a vote on this subject.

EARL GRANVILLE said, he had stated the other day the intentions of the Government, and he was not aware that the noble Lord had taken any new ground, or advanced any new arguments which should induce their Lordships to support the Amendment.

EARL RUSSELL doubted whether, if the Bishops of the Protestant Church were to assume territorial titles, they would come within the operation of the Ecclesiastical Titles Act.

THE EARL OF LONGFORD said, that neither noble Earl who had spoken from the other side had shown that Bishops who obeyed the law should be put on the same footing as Bishops who had disobeyed the law. The House had been reminded that if this Amendment was adopted the Roman Catholic Bishops would be the only persons subject to penalties. That would be perfectly true; but it was because they had deliberately placed themselves under the Act by introducing an authority unknown to this country.

EARL BEAUCHAMP said, that as far as he understood the Amendment, the courts of law would not be asked to give any recognition to the Prelates of the disestablished Church, or to the titles they assumed, but the Prelates would be relieved from penalties. That was a very different thing from giving them a legal right to assume titles.

THE LORD CHANCELLOR said, that this was a question of general importance, and ought not to be dealt with in this manner. The Bill provided that every present Archbishop, Bishop, and Dean of the Irish Church should, during his lifetime, enjoy title and precedence as if this Act had not passed, and—according to the decision of their Lordships—the Bishops were to retain their seats in that House. He thought it would be sufficient for them to deal with the matter in the future—a future which he hoped was far distant. If they were to keep in mind the principle of equality, it could hardly be acceptable to numbers of the Roman Catholic Bishops to place them in a different position from other Bishops. Many arguments might be urged for placing both classes of Bishops on a perfect equality; but it seemed to him that this was a disadvantageous moment for considering the question.

THE EARL OF HARROWBY said, that the Government, by opposing this Amendment, refused to put the Bishops of the Irish Church even on the same footing as that occupied by the Episcopal Church of Scotland. He could not understand the reason for so acting, because it was not a question of prelates nominated by a foreign prince, as was the case which led to the passing of the Ecclesiastical Titles Act, but simply a case of Bishops elected by a recognized Church Body in communion with our own Church.

EARL GRANVILLE said, he regretted that he had not earlier repeated what he said the other day upon this subject, when he admitted the difficulty of the case, but said it must be met in a more comprehensive manner than by a single clause in this Bill.

LORD CAIRNS said, that if this Bill were to operate immediately with regard to the question of the titles of the Prelates of the Irish Church, he should be of opinion that it was absolutely necessary to accompany their legislation with a clause of this kind; but they must remember that the clause in the Bill could not possibly come into operation before the 1st of May, 1871. He thought, therefore, it would be unwise on the part of their Lordships to anticipate a discussion with regard to the Ecclesiastical Titles Bill until the proper time arrived for the consideration of the whole question. He disproved of dealing piecemeal with what was a very large question.

THE MARQUESS OF SALISBURY said, that as the noble Lord (Lord Colchester) proposed to divide the House, he would move an Amendment to the Amendment, so as to make it general in its operation. He moved that the words "in the said Church" be omitted from the Amendment.

After short discussion, Amendment and original Motion (by leave of the House) *withdrawn.*

LORD REDESDALE: On the second reading of this Bill I expressed an opinion that it would be possible and desirable to adopt certain suggestions I then made. The question is of extreme importance. I introduced it simply on its merits and without any party feeling; I have not asked any noble Lord to support it, nor do I know the opinion of any noble Lord upon it, except in the case of some half-dozen who have expressed approbation of it to me privately. The subject is important, because it affects the Prerogative of Her Majesty as regards the appointment of persons to sit in this House, and unless the Government approve my proposal, I shall not press it; but I thought it right to lay the matter before your Lordships for your consideration, as I am convinced that it would improve the character of the Romanist clergy in Ireland, and induce persons in a higher class of society than that from which the ministers of that Church are now chiefly supplied, to enter into Holy Orders. I have taken special care in dealing with this question to insure that the persons nominated to sees should be duly chosen as fit to sit in this House, and at the same time entitled to the confidence of the rulers and members of their Church for soundness in faith and doctrine; but I know that the terms of my proposal are not such as, at the present moment, would receive the approbation of the Roman Catholic Church, because I believe that the Ultramontane party, now so powerful and active, object to anything approaching temporal interference with the appointment of their Bishops. The proposal, however, is not contrary to Roman Catholic practice in other places, and must be accepted if those Prelates are to be admitted here, because it is obvious that unless the Bishops chosen are so chosen subject to Her Majesty's approval, the Pope would virtually be empowered to nominate persons to this House—an unconstitutional proceeding which cannot for a moment be entertained. But if the Prelates were chosen in the manner my clauses define, there would be no objection to their sitting in this House; indeed, their presence here would be followed by advantages of a material character. The adoption of this Amendment would bring a representative body into your Lordships' House, and I do not think that would be any disadvantage to the House itself; while I think that the plan of appointment which I propose would lead to very great care being taken in the selection of Bishops of the Roman Catholic Church in Ireland, and subject those chosen to a new and and most useful sense of responsibility as Members of this House in the discharge of their Episcopal duties. These are the general grounds on which I submit the Amendment, in the framing of which great care has been taken. Your Lordships will see that by what would be a 2nd clause I prescribe a form in which I require each person who gives his vote to declare solemnly, on the true faith of a Christian, that he believes every one of those whom he proposes to be a fit person to hold the office. If such care is not taken three persons might be proposed of whom it would be impossible for the Crown to appoint more than one. According to the plan I propose the Bishops, both of the disestablished Irish Church and also of the Roman Catholic Church in Ireland, would be made in a manner the like of which I confess I should be glad to see adopted in the appointment of Bishops in England. The noble Lord concluded by moving the first of the following clauses:—

"If at any time after the passing of this Act the representative body which the members of the Church in Ireland are herein-after empowered with the approval of Her Majesty to appoint, or if the archbishops and bishops of the Roman Catholic Church in Ireland shall separately resolve that the archbishops and bishops of their respective churches shall be thenceforth appointed by a synod to be established for that purpose in each province, diocese, or ecclesiastical division of their respective churches, such synod to elect three persons fit for any such holy office, when vacant, in the manner herein-after provided, from whom Her Majesty shall select one, who shall thenceforth be considered archbishop or bishop elect, and when report shall have been made to Her Majesty by the aforesaid church body or Roman Catholic authorities that the person so chosen by Her has been duly confirmed in such office, and Her Majesty shall be pleased to resolve that it is expedient that the church or churches acting in the manner aforesaid should be represented through their prelates in the House of Lords, it shall be lawful for Her Majesty to issue summonses to the prelates of the church so acting in such order of rotation as is herein-after provided, and every person so summoned shall be qualified to sit in the House of Lords as archbishop or bishop of the Irish Catholic Church or of the Roman Catholic Church in Ireland, as the case may be."

"Every member of the aforesaid synods shall on the occasion of such elections vote therein by signing the following declaration:—

"'I *A.B.* do hereby recommend *C.D.*, *E.F.*, and *G.H.* as proper persons to be appointed to the office of archbishop *or* bishop [*as the case may be*]; and I solemnly declare, on the true faith of a Christian, that I believe each and every one of those persons to be fit and duly qualified to fill that holy office, and that to such one of them or to such other person as may be duly elected and recommended to Her Majesty by this synod for appointment to the same I promise, when he shall have been duly confirmed therein, to render all due canonical obedience during such time as he shall lawfully continue to hold the archi-episcopal *or* episcopal authority [*as the case may be*] thereby committed to him.'

"And the said voting papers shall be sent by the synod to the Lord Lieutenant to be submitted to Her Majesty.

"Her Majesty may refrain from issuing any summons as aforesaid until both of the said churches shall have agreed to their prelates being appointed in the manner aforesaid, or She may issue them to those of either church which shall have done so: Provided always, that if the prelates of one of the said churches shall have been so summoned, those of the other church shall be also summoned whenever they shall have agreed to adopt the aforesaid mode of appointment: Provided also, that if after having so agreed to such mode either church shall determine to abandon the same, or shall appoint any archbishop or bishop in any different manner, the aforesaid right of the prelates of such church to be so summoned shall thenceforth cease and determine.

"When Her Majesty shall have resolved to issue summonses as aforesaid they shall be directed to one archbishop and to two bishops of each church, entitled to receive the same in each ensuing session of Parliament, in the following rotation and succession: a list shall then be made of every archbishop and of every bishop of the church to which summonses are to be issued, on which the name of each archbishop and bishop shall be placed in order according to the date of their respective consecrations as archbishop or bishop, and if at any time any addition shall be made by such church to the number of archbishops or bishops, the person so added shall be placed at the bottom of such list, and whenever any one of those so entered shall die or cease to hold the same, office the name of the person appointed in his room shall be inserted in the same place, and the summons to be issued for each successive session of Parliament shall be directed to the prelates next on such lists to those summoned to the last preceding session."

The Earl of GRANARD said, he must protest against the clause moved by the noble Lord the Chairman of Committees. It was one of the most objectionable of all the objectionable Amendments that had been proposed to this Bill. The effect of passing the Amendment would be to alter the whole order of the Catholic Church in Ireland, and no one could believe that the Catholic body in Ireland would consent to such a proposal as this. He believed that the real object of the noble Lord in desiring to have this clause added to the Bill was, not to render the Catholic Church more efficient, but to afford facilities to the Prelates of the disestablished Church to sit in their Lordships' House. If only the Prelates whose Churches consented to the conditions laid down in the Amendment would be eligible to become Members of this House, as the Catholic Church would not be in a condition to do so, the only body that could accept those conditions would be the synods of the disestablished Church. That he believed to be the whole object and scope of the Amendment.

The Duke of MANCHESTER said, he wished to second what had been said by the noble Lord opposite. If the Bill passed he should not be at all satisfied to see the appointment of Bishops in the hands of the noble Lords on the Treasury Bench.

Lord REDESDALE said, that in some Roman Catholic countries a plan had been adopted something very like what he proposed.

The Earl of GRANARD: Where there is a Concordat.

Lord REDESDALE said, that might be so; but it proved that it was not contrary to the principles of that Church; and if those from whom the selection was to be made were to be nominated by a purely Roman Catholic body it was impossible to suppose that persons who were not duly fitted for the office could ever be recommended to the Crown for appointment. If it were wished that Catholic Bishops should sit in the House they must come in by the appointment of the Crown; and it would be an honour to the Roman Catholics to be so represented in the House. He had asked no one to support his clauses, and, as they were not received with the favour which he believed they would ultimately command, he was prepared to withdraw them.

Amendment (by leave of the House) *withdrawn.*

Clause 14 (Compensation to ecclesiastical persons other than curates).

Lord CAIRNS said, the clause provided that the Commissioners should ascertain and declare the amount of the yearly income of each ecclesiastical person, after making certain deductions; and in order to make it clear what those deductions were, he proposed in page 6, lines 2 to 8, to transpose the words, so that they might stand as follows:—

("Deducting all rates and taxes, salaries of curates employed under obligation of law, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law, but not deducting income or property tax, or the tax on clerical incomes now payable to the Ecclesiastical Commissioners for Ireland, or payments for visitation fees, or for the maintenance of registries and ecclesiastical courts; and")

Lord NORTHBROOK said, that the 17th clause provided compensation for diocesan schoolmasters and clerks and sextons; but whilst the salary of the diocesan schoolmaster was to be deducted from the income of the clergyman in estimating its value, the tax paid to the Ecclesiastical Commissioners was not to be deducted. As it was out of the proceeds of that tax that the salaries of clerks and sextons were in part provided, and as these salaries were guaranteed daring the lives of the present holders of office, it appeared to him that the amount of the tax should be deducted precisely in the same way as the payments to the diocesan schoolmaster.

The Bishop of PETERBOROUGH said, that, as he understood the argument, it was that, as the clergy received certain benefits for the tax paid to the

Commissioners, of which benefits this Bill was to deprive them; therefore, they should not be compelled to pay the tax. The noble Lord said that the Bill provided for the payment of the parish clerks; and, he presumed, the inference was that the clergy derived benefit from the tax. He would admit the fairness of the argument if the noble Lord would satisfy him that the parish clerk was of the least possible advantage to any clergyman or any human being except himself. His function was to say for the people that they were "miserable sinners," and of whatever other earthly use a parish clerk could possibly be, he could not say. So far from the clergy regarding the expenditure upon parish clerks as being of any benefit to themselves, they regarded the payment of these parish clerks by the Ecclesiastical Commissioners as a very great grievance, and a very serious misappropriation of the funds of the nation. Therefore, it was a mockery to treat the clergy as if the clerks were of any advantage to them. The true test was, whether the clergyman, in the new disendowed and disestablished Church, would ever think of setting up a parish clerk? His belief was that he would, in his disendowed and disestablished state, just as soon think of setting up a carriage and four.

THE EARL OF KIMBERLEY said, he thought that the right rev. Prelate had been to some extent guilty of ingratitude towards the parish clerks, because it frequently formed a portion of their duties to call the whole or nearly the whole of the congregations to church. He saw no reason for the Amendment.

VISCOUNT LIFFORD said, that he believed he was the only parish clerk who had the honour of a seat in their Lordships' House. The fact was that the former clerk in the church which he attended was so intolerably useless that, on a vacancy occurring, he got himself appointed to the post.

THE LORD CHANCELLOR observed that the right rev. Prelate (the Bishop of Peterborough) had, in the course of his argument that evening, cut from under his feet the ground upon which he had urged the Committee the other evening to assent to his Amendment. On that occasion, the right rev. Prelate argued that this tax ought not to be deducted from the income of the minister, because he derived advantages from its expenditure which he would now lose, and because it was now returned to him in another shape. Out of the sum which this tax produced, however, the parish clerk was paid; and now the right rev. Prelate declared those parish clerks were nuisances, and instead of being benefits, were simply encumbrances. Another right rev. Prelate, the other evening, in support of the proposal, suggested that the money should not be deducted from the income of the clergyman, but that the clergyman should receive the money and be regarded as the trustee for its proper expenditure — this plan of the trusteeship having been invented when it was seen that the arguments urged by the right rev. Prelate would not hold water.

THE BISHOP OF PETERBOROUGH said, that the noble and learned Lord had unintentionally misrepresented his argument. It had been urged that the clergyman would still derive advantage from the deduction of this money, because he would still receive the services of the parish clerk; and to this he replied that the services of the parish clerk were of no value. What he contended was, that the clergyman, in return for the money, derived advantages, under the present system, which he would, in the future, be deprived of.

Motion *agreed to.*

Clause amended accordingly.

Clause 21 (Existing law to subsist by contract).

THE DUKE OF ARGYLL said, he believed it was the desire of noble Lords, on both sides of the House, that the new Church should be entirely untrammelled, and be absolutely free to manage its own affairs. He thought this freedom would be curtailed by the wording of the proviso introduced by the noble and learned Lord opposite (Lord Cairns) in Clause 21. By that proviso, alterations in the Articles, doctrines, and rites would not be binding "on any ecclesiastical person" who should signify his dissent within six months of the making of those alterations. He believed that ample security would be attained by giving this permission to ecclesiastical persons in benefices, because, as the words now stood, any clergyman, for instance, in England, might, if he had expressed his dissent within the necessary time, at some future period, on being appointed to the Irish Church, act with entire independence of the Governing Body. As the proviso, with its present wording, was likely to create anarchy, he trusted that the noble and learned Lord would re-consider it, with a view to its amendment.

Lord CAIRNS said, he thought the suggestion of the noble Duke was worth consideration, and he would bear it in mind.

Clause 27 (Enactments with respect to burial grounds).

Lord CAIRNS said, that, as the clause stood, if the burial-ground was separated from the church by any public highway, it was not to be handed over to the Church Body, but was to be vested in the Board of Guardians. When it was not so separated, it was to go to the Church Body. He thought it would be advisable to remove the distinction. In cases where new churches had been built they had been purposely erected at some distance from the burial-ground, in order that there should be no encroachment on the latter. He moved an Amendment in page 14, line 23, to leave out the words "but not separated therefrom by any public highway."

The Earl of KIMBERLEY said, he could not see what interest the Church Body could have in the possession of the burial-grounds. A provision under the Act of last year, secures the burial-grounds for the use of the entire population, without regard to religion, subject only to the appointment by the clergyman as to time; but he thought it was desirable for the future that the clergyman should be as little mixed up as possible with this subject, and that the burial-grounds should be placed under the control of a neutral body.

Amendment *agreed to.*

Clause 28 (Enactments with respect to ecclesiastical residences).

Viscount GOUGH *moved,* as an Amendment, to add these words to the end of the clause—

("Provided always that where any such ecclesiastical residence is so vested in the said representative body by order as aforesaid, such representative body shall have the like rights, powers, and remedies for recovering any sums due for dilapidations, and from the same persons, as the successor of any archbishop, bishop, or incumbent would have had if this Act had not been passed.")

*The Duke of Argyll*

The Earl of KIMBERLEY said, that the Amendment would be just in cases where there were no building charges, but unjust otherwise.

Lord CAIRNS suggested that the Amendment should be brought forward in a better form on the third reading.

Amendment (by leave of the House) *withdrawn.*

Clause 28 (Enactments with respect to ecclesiastical residences).

The Marquess of CLANRICARDE, in rising to move the Amendment of which he had given notice, for restoring to the Bill the words omitted in Committee, and thereby depriving the clergy of the Irish Church of their residences, subject to the life interests of the present incumbents, as originally proposed in the Bill, said: My Lords, the words which I propose to restore to the Bill were struck out by a very large majority when this clause was under discussion in Committee. The numbers of that majority, however, do not show altogether its real character. Several Members of this House besides myself voted, as I think we had a fair right to do, in favour of the Amendment for omitting the words in question, because we understand that the Amendment was brought forward in anticipation of other changes that we thought would probably be made in the Bill. I and various other noble Lords had given notice of Amendments for giving the Roman Catholic and Presbyterian ministers, and Dissenters generally, residences upon the same conditions as the clergy of the Established Church; and we had every reason to hope that your Lordships would have accepted an arrangement which was in strict conformity with the main principle of the Bill—namely, the principle of religious equality. Therefore we voted for the Amendment of the noble Marquess (the Marquess of Salisbury), as we thought that it opened the way in that direction, and would enable us to benefit equally the clergy of the different Churches. But what have you now done, my Lords? Your Lordships have refused that equality which we hoped would be accomplished, and we are therefore placed in an entirely different position. The main feature of the Bill, as well as the position in which we ourselves stand, has been entirely changed by the subsequent vote of your Lordships. I would ask you to look at the position in which you have placed yourselves by your decision upon the Amendment proposed by my noble Friend the noble Duke (the Duke of Cleveland). The first part of this Bill relates to the disendowment and disestablishment of the Irish Church. On the day fixed by the Bill the whole of the Church property of Ireland was decreed to pass into the hands of three Commissioners, and you had then *tabula rasa;* you began a re-distribution in whatever way you pleased of this property. The first condition you have enforced upon the Commissioners in carrying out that re-distribution is the preservation of vested interests and certain other interests provided for in the Bill; and you then proceeded to provide for the disposal of the surplus. And what did your Lordships do when you came to that portion of the Bill? You immediately hoist the old Orange flag of Protestant ascendancy, and say that there shall be one Church, and one only, that shall have emoluments, and the clergymen of which shall receive anything from the State, and you give funds to that Church, whilst distinctly excluding all other Churches from any advantage whatever arising from the re-distribution of the Church property. Now, my Lords, though I have often heard persons defend the existing state of things in Ireland, I never heard any man, however earnest a friend he might be to the Protestant Episcopal Church, say that if he had to re-constitute the ecclesiastical arrangements in Ireland he would place them once more upon the footing of an exclusive Protestant ascendancy. That is what is done by the Bill in its present shape, however, and therefore I earnestly trust that your Lordships will not pass this Bill as it now stands. I know that it is supposed by some that the clause in its present form will benefit the Protestant clergy of Ireland; but I ask whether the noble and learned Lord opposite (Lord Cairns), and those who act with him, can really seriously believe, after what has happened within the last year and a-half, that the country or the House of Commons or the Government can possibly accept a Bill containing this condition? Is it possible that that which has been the first principle of the Bill, the establishment of religious equality in Ireland, should be departed from; and that, after having established equality by the first part of this Bill, you may establish inequality by its subsequent provisions? It is an utterly wild and incredible hypothesis to suppose, after the votes of both the late and the present House of Commons, and after what occurred at the General Election, that such an alteration—I cannot call it an Amendment—of the Bill as I am describing will be accepted in "another place." And if it were not so accepted, in what a position will your Lordships' House be placed by the rejection of my present Amendment, which is intended to correct a glaring anomaly and a gross inconsistency? Your Lordships' House will be placed in the humiliating position either of appearing before the country as wishing to maintain that religious inequality in Ireland which it is the main object of this Bill to do away with—or you must give way to the decision which will doubtless be given in the other House, otherwise the Bill will be lost this year. And I ask—without supposing any extraordinary action on the part of the Government—whether, after the result of the elections, you believe for a moment that the Government or the Parliament will ever consent to re-enact the gross inequality between different persuasions which the Bill as it now stands will re-produce? If not, what will be the consequence? Why, that you will have another Bill brought in without this clause at all; you will have no chance of getting the residences free of charge for Roman Catholics or Presbyterians; and least of all will you have a chance of getting it for the Protestant Episcopalian body. You will therefore be in a worse condition then than you are in now. I trust your Lordships will give your consent to the Amendment I have proposed.

*Moved*, at end of clause, to insert—

("Upon payment to the commissioners of such sum as is herein after mentioned, that is to say; where there is no building charge affecting the same, upon payment to the commissioners of a sum equal to ten times the amount of the annual value of the site of such ecclesiastical residence estimated as land, and of the said garden and curtilage, such value to be determined in case of disagreement by arbitration; and where there is a building charge affecting the same, on payment to the commissioners of such one of the two sums herein-after mentioned as may be the smallest, that is to say, either the amount of such building charge or a sum equal to the value of such ecclesiastical residence, with the garden and curtilage thereto, taken at ten years' purchase of the annual value as estimated by the general tenement valuation, such payment to be made, if there be no life estate or interest subsisting in such residence, to the commissioners at the time of the making of the said vesting order, but if there be a life estate or interest subsisting therein, then to be made to the commissioners or persons entitled thereto, in place of the commissioners, immediately after the determination of such life estate or interest.

"Where the payment of the amount of any building charge or sum as aforesaid is deferred in pursuance of this section, the amount thereof shall be deemed to be a lien on the said ecclesiastical residence, and the garden and curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall not bear interest until the same becomes payable in pursuance of this section."—(*The Marquess of Clanricarde.*)

THE MARQUESS OF SALISBURY: As I had the honour of moving the Amendment which my noble Friend proposes to reverse, perhaps I may be permitted to say a word in its defence. In doing so I would observe that, as far as I am myself concerned, I entirely concur with all that my noble Friend said on the subject of concurrent endowment. [*A laugh.*] I mean the giving of ecclesiastical residences to the clergy of different denominations. "Evil communications corrupt good manners;" and I own that it is difficult in these discussions to preserve that purity of expression which is always desirable. But I entirely concur with my noble Friend as to the propriety of giving similar advantages in this matter to the Roman Catholic and the Presbyterian bodies; and, if opportunity offers, I hope I shall be found ready to support my opinion by my vote. At the same time, I cannot follow my noble Friend in all that he has said this evening, or in the propositions he has laid down. My noble Friend tells us that no one within his knowledge has ever proposed this mode of settling the Irish Church question, by giving to the Protestants alone their glebes and glebe houses. I think, however, that my noble Friend has left out of his calculation one person whom it is very difficult to forget, and that is Mr. Bright; for that is exactly the proposition which I heard Mr. Bright make in the House of Commons last year. Although I have read the extract from Mr. Bright's speech before, perhaps I may be allowed, under the circumstances, to read it to your Lordships again.

THE MARQUESS OF CLANRICARDE explained that what he had said was that nobody that he knew of had ever declared that if he had to make entirely new ecclesiastical arrangements in Ireland, he would give these advantages to the Protestant Episcopal Church exclusively.

THE MARQUESS OF SALISBURY: Then I understand that the noble Marquess referred only to the possible case of an abstract Church in Ireland. But we have to deal with a concrete Church, and I adhere to the opinion expressed by Mr. Bright last year—that religious inequality was not in any way interfered with by giving to the Protestants their churches and parsonages. That was the distinct statement made by Mr. Bright in the House of Commons last year. It is not necessary to repeat his declaration in further detail; but it is upon that statement, and upon statements to the same effect by the noble Duke opposite (the Duke of Argyll) and the Prime Minister, that I venture to claim this concession, both as being in accordance with the wishes of the constituencies, and as an act of justice to the future Church of Ireland. I do not think it necessary, however, at this time to argue the case, which really was very fully argued before. I will only say that I cannot consent to the Amendment of the noble Marquess. If, however, this particular form of benefit to the Church of Ireland is supposed to convey any insult to other bodies, and if it is thought that there are any other means of giving a similar amount of benefit to the Protestants of Ireland, which will not be open to the imputation of destroying religious equality and offending the feelings of other religious denominations, no man would be more willing than I should be to assent to such a substitution. My object has been to obtain what I thought an act of justice to the Church to which I belong; but in the selection of the terms of the Amendment I have sought, as far as possible, to avoid either injuring the rights or wounding the feelings or prejudices of other religious bodies in Ireland. I believe that the House generally has been animated by the same desire; and I contend that there is nothing in my Amendment of this clause, or in the measure, which in any way violates the principle of religious equality, or which will seriously interfere with that policy of conciliation which the Government claimed to have adopted in bringing forward this Bill.

**EARL GREY**: I entirely agree with my noble Friend near me (the Marquess of Clanricarde). I voted for the Amendment striking out this clause, which it is now proposed to restore, because I believed that it was highly desirable that ecclesiastical residences should be provided for the clergy of the different denominations. I hoped that the Amendment which went to relieve the Anglican Church from the payment to be imposed upon it for the houses of the clergy would be followed up by another, giving such residences to Roman Catholics and Presbyterians, as well as to the clergy of the Protestant Church. It appears to me, however, that, having rejected that proposal, we now stand in a totally different position. If there is one object more important than another to be attained by this Bill, it is that we should convey to the people of Ireland the determination of Parliament that no superior advantage or favour should be given to one denomination of Christians over another, but that all should be put on the same footing. Now, my Lords, as we have deliberately declined to allow residences and glebes to be assigned to the Roman Catholics and Presbyterians, it appears to me utterly impossible that Parliament can provide that, after the expiration of existing life interests, a permanent endowment of these houses and glebes should be given to the successors of the existing clergy, who are priests of the Anglican Church. It is impossible to grant that privilege to them, while refusing any similar privilege to the Roman Catholics, without making it apparent to every man in Ireland that one measure of favour is being dealt out to Protestants and another to Roman Catholics. The effect of this will be to to destroy whatever advantage might otherwise be derived from this Bill. I am glad, therefore, that my noble Friend is going to enable me, by the vote I give to-night, to show that on a former occasion, in the vote I gave, I had no intention of showing a favour towards the Anglican Church which was not to be extended to the other Churches in Ireland.

**LORD CAIRNS**: I wish to correct an observation made by the noble Earl which may otherwise mislead some of your Lordships. The noble Earl has spoken of this clause as a clause which gives to the future Church the residences and glebes which you have refused to allow to priests of other denominations. Now, the clause does not do so. It deals in no way with glebes. On the contrary, by another clause in the Bill, if a glebe of over thirty acres is required, it is to be paid for by the Church at its full value. I can quite understand that when the noble Marquess (the Marquess of Clanricarde), and the noble Earl (Earl Grey) voted for the Amendment of my noble Friend (the Duke of Cleveland) the other evening they had in view another Amendment which was to be proposed, and regarded both as parts of one large question. But I wish to remind the House that that was not the view of the great majority of those who gave that vote. Let me remind the House, too, that if the arguments of the noble Earl and the noble Marquess are correct they go quite as much to the question of churches as to that of residences. If we are to have this abstract, perfect, arithmetical, and mathematical equality, which the noble Earl seems to desire, it is impossible to justify the transfer to the new Church Body of the churches which are to be given over to them by this Bill. We supported the Amendment of my noble Friend on the grounds of justice—justice as to the churches and the residences. We suggested it also on the ground of the express declarations of Members of the Government, including the most unequivocal declaration by the Prime Minister, upon which the issue, as I believe, was taken before the country; and I further believe that if the country had been told that the intention was to take away from the Church its churches or parsonages, it would have risen against any such proposal. I must make one other remark upon the statements of Members of the Government last year. The noble Duke (the Duke of Argyll) put a colour on those statements the other evening. He said that at the time Members of the Government were not aware of the existence of the building charges upon these houses. Of course, I accept that statement as a matter of fact; but if declarations of policy made by the Government were to be altered by circumstances of that kind—which I do not for a moment admit—how do the Government justify the proposal in the Bill, before its Amendment, that all residences should be paid for, whereas there are, at least, 400 residences upon which there is not a single shilling of building charges? Though I do not deny the statement of the noble Duke, I cannot help thinking that the argument of the building charge was an after-thought, and that it was only brought into play when it became necessary to justify that very strong provision made in the Bill; because, if that were really the reason of the change, it is clear the payment should only have been demanded when a charge, was made, and not otherwise.

Earl GRANVILLE: The noble and learned Lord is quite right in stating that the Bill gives residences and not glebes to incumbents; but, though the proposal to give glebes to the Protestants only would have been still more objectionable, I think that as a question of justice the grant of residences cannot be maintained. Nothing is more likely to produce a sense of inequality in Ireland than the sight of a comfortable residence handed over to the Protestant Church on the one side, while on the other side the priest lives in a cabin or a hovel. With regard to the building charge, which has been made an element in this question, I may remind your Lordships that, in referring to this subject last year, Mr. Gladstone pointedly guarded himself with reference to details, and when we came to look into details there were several peculiar circumstances which had to be considered. We had also to consider the irritation which was sure to be produced if we gave those residences gratuitously to one Church only. No doubt we proposed to give them to the Protestant Church on very reasonable terms; but still they would not be given gratuitously, and that would be the answer made to any complaint on the subject. Now, I am not going to argue this question over again; but I must protest against the statement of the noble Marquess (the Marquess of Salisbury) that by adopting his Amendment the House has not in the slightest degree departed from the principle of religious equality among the various denominations in Ireland. I believe that the contrary is the case. I have received a remarkable amount of information to the effect that this particular Amendment with regard to residences has already in different parts of Ireland produced the greatest possible irritation. I think, therefore, that the noble Duke (the Duke of Cleveland) is justified in regretting that he abandoned his own way of dealing with this question, and I am glad that my noble Friend (the Marquess of Clanricarde) has now come forward, in fulfilment of the honourable understanding existing among some of those who supported the Amendment, to show that a large portion of the House does not agree with the proposal as it stands.

The Duke of CLEVELAND: When I submitted to your Lordships another proposal in connection with this subject, it was with a view to establish perfect religious equality in Ireland. That proposal, I am sorry to say, did not meet the approbation of your Lordships; and that being the case, I, for one, cannot refuse to accept the principles which have been advocated by the noble Marquess (the Marquess of Clanricarde) and the noble Earl (Earl Grey). I entered into an arrangement with certain of your Lordships upon the general principle. Only one part of that principle has been accepted, and the other has been refused. I cannot, therefore, do otherwise than agree with my noble Friends the noble Marquess and the noble Earl, that as the principle of this Bill is equality, we must restore that provision of the Bill which provides equality. I can only repeat the statement we have already heard to-night, that when in Ireland you see on the one side the residence apparently of a wealthy person, and on the other side a cabin, and know that these are the houses of the Protestant clergyman and the Catholic priest, you will have a visible token of the inequality that exists. I think we are bound in justice to all parties to restore the Bill to its original shape in this particular, and I shall therefore support the Amendment now proposed.

Earl RUSSELL: When this measure was first brought before us I voted for it with a view to establish religious equality; and although that has not been perfectly secured, I cannot turn round now and vote against the clause because it does not assert the principle of equality. The Bill in its original form did not do that, because it allowed the clergy to retain their residences at a price greatly below their value. Whether you give a man £100, or whether you give him for £200 that which is the value of £300, you equally do that which is fatal to the principle of equality. I voted for this Bill as a matter of policy. At the same time I wished—as I stated on the second reading—that the Roman Catholic clergymen and the Presbyterian clergymen should also have residences provided for them. But I do not give up that hope. I refer to the Notice which my noble Friend (Earl Stanhope) has given that on the third reading he will propose that the Presbyterian and the Roman Catholic clergymen should also have residences. I trust that Amendment will be carried, for if it be there will then be equality.

THE EARL OF DENBIGH said, he would not detain their Lordships more than two minutes. With reference to the discussion fixed for Monday on what was now called co-ordinate endowment, he thought it right to correct an impression which he gave rise to in addressing their Lordships the other day. He stated that he had reason to believe that if a co-ordinate grant to the Roman Catholic clergy was offered, as a matter of justice, it would be accepted. He had since informed himself that a meeting had been held of the Roman Catholic Bench of Ireland, when, for particular reasons, which would be explained on Monday next by his noble Friend (the Earl of Granard), it had been resolved that it could not be accepted if offered.

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*Resolved* in the *Negative.*

THE ARCHBISHOP OF CANTERBURY: Your Lordships will remember that when this measure was brought forward in the other House of Parliament the private endowments of the Church, up to 1660, were estimated by Mr. Gladstone at about £500,000. An Amendment was made in your Lordships' House that the date for private endowments should be fixed at 1560 instead of 1660, and then the noble Earl (Earl Granville) proposed that the sum of £500,000 should be accepted as an equivalent for the private endowments up to 1560. I now propose to your Lordships that that offer should be accepted, and your Lordships will, I think, see that this is a payment to which the Irish Church is justly entitled in lieu of her private endowments. I will say a very few words on the general question of the endowments reserved for the Irish Church. There has been such an amount of exaggeration on this subject that I think it right to recall your Lordships' attention to the real state of the case. I believe that we could maintain our right to all these sums on the simple principle of this Bill—reserving private endowments, and that which seems to me to stand on the same ground as private endowments—namely, the possession of houses which have been built greatly at the expense of members of the Church; and lands immediately adjoining the houses, which have acquired their whole value from the sums spent upon them by the clergy of the Church. But without entering further into details, I wish to put before your Lordships this simple case. According to the calculations of the Prime Minister, the property of the Irish Church is worth £15,000,000 or £16,000,000. The very largest amount that will be retained for the Irish Church when this Bill is passed and existing interests are paid off is £3,000,000 out of these £15,000,000 or £16,000,000. Now, I put it to your Lordships, and through your Lordships to the country, whether it is not a generous offer that the Irish Church has made to surrender all but one-fifth, or less than one-fifth, of the whole of its revenues, in order to conciliate those who are irritated by its existence. I will prove the matter in another way. It is granted that the income of the Irish Church is between £500,000 and £600,000 a year. Now, the very utmost which is claimed for the Church by the Bill, as amended by your Lordships, is about £120,000 a year, and thereby more than £400,000 is sacrificed in order, as I have said before, to conciliate those who are irritated by the existence of this Church. Now, I wish to say that in this calculation with respect to money we are entirely influenced by the fact that it is through the retention of some small sums such as those I have indicated that the Irish Church will be able to provide for the poor peasantry in distant places who cannot be attended to on the voluntary principle, and whose interests we consider it to be right to secure by this very moderate endowment. I believe that there is in the country a strong feeling that the Irish Church is not to be trampled on; and I believe that the system which would deprive it of this small and reasonable endowment would be trampling upon it. I cannot believe, my Lords, that the other House of Parliament will, for one moment, object to allow the Irish Church, —having sacrificed its political ascendancy—having sacrificed four-fifths of its income—having descended from the high position it has maintained for centuries —I say I cannot believe that the other House of Parliament will object to allow it to be carried on in the same way as a moderately endowed colonial Church is carried on in any of Her Majesty's colonial possessions. I believe further that in retaining this small and moderate endowment for the Irish Church we are fully carrying out the principles of this Bill, because Her Majesty's Government and the other House of Parliament have themselves secured for it an endowment, though very moderate indeed in character, and we only join issue with them on the question as to what increase on that moderate endowment is indispensable for carrying on the Church so as to provide for the welfare of the poorest of our Protestant brethren in Ireland. I say I believe that the other House of Parliament will not grudge this very moderate request; but I would further say that I believe it does not so much depend on the other House of Parliament as upon Her Majesty's Government whether this moderate endowment shall be conceded. I cannot believe that those with whom we are associated in this House, whom we know, some of them, to be the most trusty and valued sons of the Church of England, will object to the proposals which your Lordships have made and laid before the country. But I will go further, and say that I believe it depends not so much on Her Majesty's Government as on one man, and I cannot believe that that one man, for so many years the most trusted son of the Church of England, will oppose the moderate provision of this Bill in order to gratify the monstrous and unnatural combination that has been formed against the Church of Ireland.

Amendment *moved* in page 16, line 29, to leave out from the beginning of the clause to ("when") in page 17, line 23, and insert—

"In lieu of any real or personal property becoming vested in the commissioners by virtue of this Act which may consist or be the produce of property or monies given by private persons out of their own resources, or which may consist of or be the produce of monies raised by private subscription, and without prejudice to any life interests preserved or secured by this Act, the commissioners shall, on the application of the representative body of the said church, pay as at the end of six calendar months after the first day of May one thousand eight hundred and seventy-one to such representative body the sum of five hundred thousand pounds sterling."—(*The Lord Archbishop of Canterbury.*)

EARL GRANVILLE: I wish to say a very few words on the present occasion. I did make the proposition which the most rev. Primate has embodied in this Amendment, but I also said that it was made in connection with other Amendments to which I strenuously objected. I took that opportunity to say to your Lordships that I thought it fair to say that we would most strenuously oppose the Amendment that stood next in order with regard to the Royal grants. But notwithstanding this your Lordships immediately proceeded to argue the question of the Royal grants, and you carried their retention by a large majority. Now the most rev. Primate, after the Royal grants had been introduced into the Bill, treats it as if there were no objection to it, and trusts that this is a matter on which the House of Commons will yield. But I must plainly tell your Lordships that after what has taken place Her Majesty's Government feel themselves free to deal with the whole of this amended clause as they may think fit. Now, what is the point in dispute between us? The most rev. Primate has said that your Lordships produce no inequality whatever by proposing to give £3,000,000 to the Church over and above the life interests of its present members, and he is quite convinced that the country will be in favour of such a course. Now, in arguing on the second reading of the Bill, notwithstanding the protests of myself and my Colleagues, many of your Lordships contended that a distinction had been made between disestablishment and disendowment when the question was before the country. I could never see the slightest distinction between the one and the other. Disendowment was fully brought forward last year, not only in the suspensory Resolutions, but on the Motion of Lord Stanley. The noble and learned Lord (Lord Cairns) said the other night in arguing against concurrent endowment, that we ought to look to the language that was held contradictory to it on the hustings. Now, though it is true that the candidates on one side did strenuously resist concurrent endowment, the candidates on the other side said nothing at all. But with regard to disendowment, I can hardly find a single place where candidates on our side did not argue for disendowment as well as for disestablishment; while there was hardly a single candidate of a Conservative character who did not blame the scheme of the Government as one of robbery and spoliation. I cannot conceive, therefore, that, the verdict of the country was not given for disendowment as well as disestablishment. As to what the most rev. Primate hints about one Member of the Government, I may say that it does not depend upon us, but that the House of Commons will not accede to the proposition. To say that we are to have an institution to which we are to give all the churches—their houses at a reasonable rate, according to our plan—by the plan adopted by this House, for nothing at all—who are to have also an incorporation by which they may hold land, and then that, beyond all this, you are to give them £3,000,000—I say, so far as I am concerned, if I were a Member of the House of Commons, that I should consider myself to be committing a breach of faith with the great constituencies of the country were I to assent to it.

THE ARCHBISHOP OF CANTERBURY: What I said was that the £3,000,000 included the houses and the lands adjoining.

EARL GRANVILLE: At any rate, your proposition is to give the Church, beyond the life interests of her members, the sum of £3,000,000, and I say that I believe the Government would be guilty of a breach of faith with the country if they sanctioned such a scheme. I trust this is not the ultimate decision of your Lordships; if it be I shall regret it exceedingly, for reasons which your Lordships know, and because I believe it will not be accepted by the country.

Lord CAIRNS: I must express my surprise at what has just fallen from the noble Earl. Your Lordships will remember what occurred the other night. The noble Earl made an offer that instead of the private endowments a sum of £500,000 should be accepted, which he said would obviate the necessity for litigation, and that it would be a very favourable compromise for the Church. I thought at the time that it was a very fair proposal; but we all were of opinion that the proper course would be to consider it before the Report, and to communicate with those who were interested in the question. But that was an offer which did not in any way depend upon the course to be taken by the House with regard to the next Amendment on the Ulster glebes, for the noble Earl said that this was altogether independent of the Amendment as to the Ulster glebes, which the Government would think it their duty strenuously to oppose. [Earl Granville dissented.] My Lords, I shall only say that I shall cease to believe any event for twenty-four hours if I have not correctly re-called what fell from the noble Earl on that occasion, and I was never more amazed than when I heard the noble Earl say that in consequence of the Vote of the House on the Ulster glebes the Government would feel at liberty to take any course they might think fit. If the noble Earl withdraws the proposal, why not oppose the Amendment of the most rev. Primate now? This Amendment naturally follows the acceptance of the noble Earl's proposal the other night; it is for the Government, if it thinks fit, to withdraw that proposal, but I cannot believe the noble Earl means to do so. I agree with the noble Earl that the proposal should be for a payment of £500,000 generally in lieu of private grants; but I protest against there being any misunderstanding whatever as to the fact that the offer made to us was made distinctly upon this question, isolated and without reference to any other question whatever, and it is upon that understanding we accepted it. With regard to another point, the noble Earl certainly misunderstood me when he interpreted my remarks as regards declarations on the hustings. I said—

> "If you want to know the feelings of the country with regard to nominal endowment out of the funds of the Church, look at what occurred on every hustings at the last election. Every candidate, or a great number of candidates, were interrogated by the electors as to whether they would consent to endow every denomination out of the funds taken from the Church, and the answer was distinctly 'No.'"

I never said that the candidates had pledged themselves to strip the Irish Church of every farthing she possessed; on the contrary, I remarked that they referred to what Mr. Gladstone had said—namely, that the Church was to go out with its churches and residences, and with some amount of property, described as amounting to between two-thirds and three-fifths, and they asked whether that was harshness. And I remember perfectly well that when these people came back to the House of Commons they were shown what everyone before had overlooked, the words "Or its members" after the word "Church;" but nobody had ever dreamt that Mr. Gladstone intended interpreting an endowment of three-fifths of the Church property by life interests, which are of no value to the Church as such whatever. As far as the feeling of the country had been expressed, I believe the idea of total disendowment of the Church has never been approved in any form by the country. The noble Earl seems to be very much astonished at the most rev. Primate's calculation, and the noble Earl says that the idea of the property being preserved after the Church is disestablished is what the Government cannot accept; but Mr. Gladstone said there would be a benefit derived by the Church, after compensation of life interests, which he calculated from £1,000,000 to £1,500,000. I never examined into the calculation, but that was the result stated; and I mentioned it because it is decidedly at variance with the statement of the noble Earl that no property should be preserved to the Church.

The Marquess of SALISBURY: Really I and noble Lords sitting near are in doubt whether to believe our ears.

The noble Earl comes down here one night and asks us to adopt a suggestion of his, instead of an Amendment which is before us, and then, when your Lordships have accepted that proposal, he comes down and asks us to alter it. I must ask the noble Earl, under these circumstances, to state really what the decision of the Government is?

EARL GRANVILLE: I must appeal to the words I used, and what I stated was this, that the course the House has pursued, both with regard to the Royal lands and the alteration of the Amendment, leaves the Government at liberty to deal with it as they think fit; and if your Lordships think I have gone beyond what I ought to have stated, I do repeat that it is impossible for Her Majesty's Government to agree to that clause in its entirety as it stands now.

THE EARL OF DERBY: I want to ask my noble Friend whether, instead of asking for delay for the purpose of considering the proposal, that when we agreed to the offer of £500,000 in lieu of all claims, he at once accepted it?

EARL GRANVILLE: That makes a very great difference; the bargain was not accepted. ["Oh!"] I really do not wish to say anything contrary to the feeling of your Lordships' House; but there is a great difference between dealing with a proposal of that sort made in precise terms, and postponing the matter for consideration altogether; and I repeat that, although there is no intention of the Government to withdraw that particular offer, yet I say it is quite impossible for me to pledge them to retain this clause as it is arranged.

THE EARL OF HARROWBY deprecated any attempt to depart from the original understanding.

THE ARCHBISHOP OF CANTERBURY said, he was willing to alter the Amendment.

THE BISHOP OF LICHFIELD stated that, in his anxiety for the fate of the Irish Church, when the present life interests were exhausted, he had made some calculations to show what the future of the Church would be. A fifth part of the Church's income, £112,000, was already placed in the hands of the Ecclesiastical Commissioners, and would at once become the property of the Government. Then the £440,000, capitalized at fourteen years' purchase, the £266,000, the compensation to curates, and the £500,000 added together, would give only £120 a year for each person in Holy Orders. If every clergyman were to take out his life interest, the endowment would cease at once; but, if by an exercise of great self-sacrifice, while holders of livings of £100 a year were allowed to take them in full, holders of £200 should be taxed 5 per cent, of £300, 10 per cent, and so on up to the maximum of livings, say £1,000, which he would tax at 50 per cent, and the incomes of the Bishops by two-thirds, the proceeds would amount to £100,000 in the first year, and that could be saved by a corresponding exercise of self-sacrifice by the laity. He did not, therefore, think the Church could be regarded as too rich to enable the clergy to live as they are conventionally expected to live, nor too rich if all the incomes of the clergy were invested, or if, by the exercise of the self-sacrifice he had described, the incomes of the clergy were in some part saved and made good by the subscriptions of the laity. The Amendment was not opposed to the principle of the Bill, which was said to be equality, and which was, in fact, the reducing of all to a dead level of destitution, and making all as miserable as possible.

LORD CAIRNS said, that in the debate on the 5th July, the noble Earl opposite (Earl Granville) spoke of £500,000, though it was not in the Bill, as the amount of the private benefactions which Mr. Gladstone had stated he was prepared to yield. Thereupon the noble Earl (Earl Grey) asked whether the noble Earl (Earl Granville) suggested that he would give a lump sum of £500,000 to the disendowed Church as compensation for these claims. Up to this time not one word had been said about the Ulster glebes. Earl Granville replied that that was the case, but the question of the glebes was to be dealt with by an Amendment which would presently be discussed, and to which the Government would offer a most strenuous resistance.

THE LORD CHANCELLOR said, that whatever might have been the exact words used, the facts were that when the date had been altered from 1660 to the 2nd of Elizabeth, in order to bring discussion to a close the noble Earl (Earl Granville) proposed to obviate all difficulty about date by giving a fixed sum of £500,000 for all the private benefactions, provided no other claim were made in respect of private benefactions. And he added that the Government would not accept the Amendment with regard to the Ulster glebes. That being so, directly after the £500,000 had been offered, the Amendment claiming the Ulster glebes, which represented £1,000,000 more, was carried. It was, of course, impossible that the Government could take the view of the majority of their Lordships with reference to this large endowment of £1,000,000, and it was out of the question to suppose that they could give up £1,500,000 of private endowments. He maintained that, if their Lordships insisted upon having the Ulster glebes, they could not insist upon having the £500,000 too. The Government would adhere to their pledge, and give the £500,000; but they could not give up another £1,000,000 of private benefactions, and their Lordships must take their choice. The other day, when the Ulster endowments were asked for on behalf of the Church, the ground on which the claim was based was that they were private endowments, and their Lordships were now bound by the position which was then taken, and they must, therefore, allow the Ulster glebes to be classed with the private endowments for which the £500,000 was offered. The most rev. Primate asked how much was to be given up by the Church. The Church had nothing to give up; that which she held she held unjustly; and the Government proceeded on the basis that it was not just that 700,000 people should retain that which was intended for the benefit of 5,400,000. Therefore, the Government did not talk of giving up anything, but only of protecting life interests. There was nothing whatever for the Church to give up. So far from doing wrong, the Government believed they were doing that which was just, and right, and beneficial to the Church.

Lord CAIRNS said, nothing could have been more easy than for the Government to have said, when they made this offer, that it was to be understood it was made conditionally on the withdrawal of the Amendment relating to the Ulster glebes. That would have been a plain, simple, and straightforward proposition, which would have been understood, and which it would have been for the Committee to accept or reject. But what happened was this. When they were discussing an Amendment which would have given them what they valued at more than £500,000—namely, the right to trace back these endowments to the time of the Reformation, which their Lordships would have affirmed, they lost the opportunity of taking the opinion of a full Committee, and they did it on the faith of the promise made by the Government. He protested against the course now taken as contrary to good faith, good morals, and equity, and, least of all, should he have expected it from the noble Earl.

Earl GRANVILLE said he had not the slightest objection to the most rev. Primate (the Archbishop of Canterbury) changing and adopting the terms in which he originally gave notice of his Amendment; and, further, he had not the least objection to pledge the Government with regard to the £500,000 if the Committee did not insist upon the Ulster grants. The Government did not withdraw any proposal they had made, but they absolutely declined to promise to give £500,000 in lieu of private benefactions, and to couple with that whatever might be the value of the Royal grants.

The Marquess of SALISBURY suggested that, after the explanations which had been made, the most rev. Primate had better withdraw his Amendment.

On Question? *Resolved* in the *Affirmative.*

Amendments made: Bill to be read $3^{a}$ on *Monday* next, and be *printed* as amended (No. 182).

House adjourned at a quarter past
Nine o'clock, to Monday
next, Eleven o'clock.

# HOUSE OF COMMONS,

*Friday*, 9*th July*, 1869.

MINUTES.—Supply—*considered in Committee —Resolutions* [July 8] *reported.*

Public Bills—*Resolution in Committee*—Fisheries (Ireland) [Salaries]—r.p.

*Ordered — First Reading*—Roads and Bridges (Scotland)* [207]; Drainage and Improvement of Lands (Ireland) Act (1863) Amendment* [208]; Cinque Ports Act Amendment* [206]; Heritable Rights* [204].

*Committee* — Contagious Diseases (Animals) (No. 2) [103]—R.P.

*Committee—Report*—Insolvent Debtors and Bankruptcy Repeal (*re-comm.*) [180].

*Considered as amended*—Local Government Supplemental (No. 2) * [192].

*Third Reading* — Local Government Supplemental (No. 2) * [192], and *passed*; Married Women's Property [122], *debate adjourned.*

The House met at Two of the clock.

### JEWS IN ROUMANIA.—QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the Under Secretary of State for Foreign Affairs, If Her Majesty's Government heard of renewed outrages against the Jews in the Danubian Principalities; of whole families in the country districts expelled from their homes, left without food or shelter, and suffering from disease at the road sides; and, if Her Majesty's Government continue to co-operate with the representatives of the Great Powers in awakening the Roumanian Government to more humanizing influences, and to a policy more congenial with the age in which we live?

MR. OTWAY: In reply, Sir, to the hon. Member, I regret to say that we have received recently news of outrages having been renewed against the Jews in the Danubian Principalities. Only this morning we have received from Vienna a copy of a telegram which Baron Rothschild thought it right to communicate to the English Ambassador in that city, detailing outrages perpetrated against the Jews in the Danubian Principalities, which we could hardly expect to occur in a civilized country in these days. I will read to the House an extract from that telegram. After describing some other treatment which the Jews have received in those provinces, it proceeds as follows:—

> "Our wives and our children are ill-treated by the soldiers of the Prefect. Many of our co-religionists are drowned, and our hair is shaved off in a manner to disgrace us, and we are subjected to every sort of torture and violence by the agents of the Government. We are most rigorously questioned and persecuted."

The hon. Member asks me whether Her Majesty's Government continues to co-operate with the representatives of the Great Powers in awakening the Roumanian Government to more humanizing influences, and to a policy more congenial with the age in which we live. Our instructions to Her Majesty's Consul General at Bucharest have been invariably in the sense that he should not cease to represent to the Roumanian Government the bad effects produced in other countries by the treatment the Jews received in that country, and we shall continue to co-operate with the representatives of all the other Powers, who, I understand, have made similar representations. With regard to the effect of these representations, I regret to say that it has not been such as we might reasonably have expected up to the present moment; but it is hoped that under the influence of the enlightened Prince who now governs that country a new state of things will be inaugurated, and that the treatment which I do not hesitate to say with the hon. Member is not congenial with the age in which we live will henceforth cease to be used towards the Jewish population of Roumania.

### CANADA—HUDSON'S BAY COMPANY.
#### QUESTION.

SIR HARRY VERNEY said, he wished to ask the Under Secretary of State for the Colonies, Whether the Government of the Dominion of Canada have acceded to the terms agreed to by the Hudson's Bay Company for the cession of their Territories?

MR. MONSELL said, in reply, that he was happy to be able to inform his hon. Friend that the Government of the Dominion of Canada had agreed to the terms of the cession of the Hudson's Bay Territory, but he was unable then to give the details,

### INSOLVENT DEBTORS AND BANKRUPTCY REPEAL [RE-PAYMENT OF UNCLAIMED DIVIDENDS].
#### REPORT.

Resolution *reported.*

MR. ALDERMAN SALOMONS said, he must complain of the proposal to continue the objectionable practice by which the unappropriated balances of a bankrupt's estate were forfeited to the Crown, and were only to be recovered by the creditors by a proceeding in Chancery.

THE ATTORNEY GENERAL said, he had to inform the hon. Member that the forfeiture of which he complained had been abolished, and that now the

Crown was only empowered to invest the unappropriated balances, and to hold them in trust until they were claimed.

Resolution *agreed to.*

### INSOLVENT DEBTORS' AND BANKRUPTCY REPEAL (*re-committed*) BILL.

(*Mr. Attorney General, Mr. Solicitor General.*)

[BILL 180.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

MR. G. GREGORY said, that, under the Bankruptcy Bill, a gentleman of great ability had been appointed, with universal approbation, Judge of the new Bankruptcy Court; but no provision had, as far as he was aware, been made for the increase of his salary. He had had no communication upon this subject with the gentleman in question, who, he had no doubt, would willingly discharge any additional duties which might be imposed upon him without asking for an increase of his salary. He wished to point out, however, that the new Judge would have to bring the whole machinery of the Act into operation, and to administer the whole system thereby created. He thought, therefore, that the Government should consider whether the salary ought not to be increased.

THE ATTORNEY GENERAL said, he entirely concurred with what had fallen from the hon. Member as to the merits and abilities of the gentleman who was to be appointed the first Judge in the new Bankruptcy Court, and he was personally anxious that he should be liberally treated in regard to his salary. It was probable that that gentleman's duties would be very much increased; but he believed it was generally understood at the time the appointment was made that there was to be no increase of his salary. If it should be found that the gentleman's duties were increased, he trusted that next Session there would be no indisposition on the part of the House to award him a salary suitable to the dignity of his position.

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

### CONTAGIOUS DISEASES (ANIMALS) (No. 2) (*re-committed*) BILL.—[BILL 103.]

COMMITTEE. [*Progress 6th July.*]

(*Mr. Dodson, Mr. William Edward Forster, Mr. Secretary Bruce.*)

Bill *considered* in Committee.

(In the Committee.)

Clause 45 (Exception for railways, 1867, s. 23).

MR. M'COMBIE said, he wished to know whether Aberdeen cattle coming by sea would be allowed to be sent to the central market in the metropolis?

MR. W. E. FORSTER said, they would, though he could not inform the House in what part of the metropolis the central market would be established.

Clause *agreed to.*

Clauses 46 to 53, inclusive, *agreed to.*

Clause 54 (Determination and declaration by local authority as to pleuro-pneumonia).

MR. G. GREGORY said, he had an Amendment to propose, to the effect that the time at the expiration of which a place might be declared free from the disease of pleuro-pneumonia, after the last case, should be extended from ten days to two months, the former period being sometimes too short to allow the seeds of the disease to manifest themselves. He moved, in page 12, line 35, to leave out "ten days" and insert "two months."

MR. W. E. FORSTER said, that the Government were prepared on this matter to accept the opinion of the representatives of the agricultural constituencies. They had put ten days in the Bill on the authority of Professors Simonds and Brown.

MR. J. HOWARD said, pleuro-pneumonia, which had caused five times as much loss as the rinderpest, might linger about a place for more than two months.

MR. PELL said, he thought one month would generally be quite sufficient.

MR. M'COMBIE said, he would advocate the adoption of the period of two months.

MR. W. E. FORSTER said, he would accept the period of thirty days.

MR. HENLEY said, he was very glad that the right hon. Gentleman had taken thirty days, rather than ten days or sixty.

DR. BREWER said, the period of incubation of the disease was between thirteen and twenty-eight days, and the period of thirty days was a reasonable one.

MR. CARNEGIE said, that his clients looked on pleuro-pneumonia with greater dread than they looked on the cattle plague.

Amendment, by leave, *withdrawn.*

DR. BREWER *moved,* in line 35, to leave out "ten" and insert "thirty."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 55 *agreed to*

Clause 56 (Exposure for sale, transport by railway, &c., of diseased animals).

MR. MILLER said, in the absence of his hon. Colleague (Mr. M'Laren), he had to propose an Amendment in line 4, after the word "place," to insert "or sale yard, whether public or private." This emendation had been proposed by the Town Council of the city he represented (Edinburgh).

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 57 to 59, inclusive, *agreed to.*

Clause 60 (Purification of sheds, &c., of diseased animals, 1866. [I] s. 14).

MR. M'COMBIE proposed, in page 14, line 13, to insert after "shall" the words "at its own expense." His object was to insure disinfection being thorough, which he was afraid it would not be if the expense were charged on the owner of the premises. The inspectors would, in that case, be constantly annoyed and obstructed in enforcing the Act; but if charged on the local rate the expense would be trifling, and the inspector would be independent.

MR. W. E. FORSTER said, he understood the object of the Amendment to be to make it clear that the local authority paid all the expense under this clause. The clause, however, was so framed as to give to the local authority power to pay the expense, if it thought fit, and he thought that the matter had better be left to the discretion of the local authority.

SIR ROBERT ANSTRUTHER said, he thought that a great deal of carelessness was often shown by farmers themselves, and he did not see why the local authority should be obliged to pay for it.

MR. J. HOWARD said, he thought that, as the slaughtering of diseased cattle was for the public advantage, the public ought to pay for it.

Amendment *negatived.*

Clause *agreed to.*

Clauses 61 and 62 *agreed to.*

Clause 63 (Water and food on railways).

MR. W. E. FORSTER said, he had an important alteration to propose. In common with all the Members of the House he was anxious that the Bill should be made the means of preventing the suffering which was often undergone by cattle in travelling by railway. Clauses having the same object had been introduced into former Bills, but the subject was a difficult one, and it was found that they did not work. He had at first thought it would be sufficient to enable the railway company to charge the expense of feeding and watering the cattle, and to make the beasts a lien for such charge. Several hon. Members had, however, told him that the clause ought to be made compulsory, and he preferred it in that shape. He had put himself in communication with the chairmen of the lines of railway principally concerned, and they had assented to the compulsory clause now framed. It provided, in the first place, that the railway companies should be obliged to find food and water at such railway stations as the Privy Council might direct. In the next place, they were obliged to give food and water to such cattle at those stations as they might be requested to give by the owners of such cattle, either by writing on the part of the consignors, or by word of mouth from the person in charge. It would be necessary to follow that clause by two provisions, one making the neglect or omission to provide food and water a penal offence on the part of the companies, and another to meet the case of the consignors or the drover in charge not requesting the company to give food and water, in which event they also would be guilty of an offence. It was thought desirable that these offences should be limited to cases where the cattle were in transit for thirty hours and upwards. As the result of his inquiries on this subject, he found that cattle could travel longer without suffering than he had supposed. In America twenty-eight hours had been fixed upon as the term during which cattle could travel without food or water. He also understood that on short journeys it was very difficult to persuade the animals to take water in trucks, and while they were travelling. Mr. Thompson, who had taken great interest in this question, had told him that he had recently gone to some cattle that had been in a truck twenty-four hours, and he found that while in the truck they could not be persuaded to take water. He moved in Clause 63, page 15, to leave out from commencement to "then" inclusive, line 28, and insert—

> "Every Railway Company shall make provision, to the satisfaction of the Privy Council, for the supply of water and food to animals carried by the Company, the same to be supplied at such stations as the Privy Council direct, on the request in writing of the consignor of any animal carried, or on the request of any person in charge of any such animal, and."

Sir ROBERT ANSTRUTHER said, if he were convinced the clause would carry out what they all desired, he would not move the Amendment of which he had given notice, but he was by no means satisfied that the beasts would get either food or water under this clause. The railway companies were to be free from responsibility, unless there was a request from the consignor or the man in charge. So long as there was a certainty of their being re-paid, he did not see why it should not be compulsory on the companies to supply food and water, whether requested to do so or not. He saw that the hon. Member for Aberdeen (Mr. M'Combie) appeared to take a different view, judging by the Amendment he had placed on the Paper, limiting the provision, as far as regarded fat cattle, to the case of animals conveyed on longer journeys than fifteen hours. Everyone knew that the hon. Member himself took every care of his beasts, and that they always reached the market in first-rate condition; but other persons were neither so prudent nor so humane. He intended to move, as an Amendment, in line 39, after "person," to insert—

> "And if any Company on any occasion fails to comply with this enactment, such Company shall on every such occasion be deemed guilty of an offence against this Act."

Colonel CORBETT said, he doubted whether it would be possible to get a conviction under this clause against either the consignor or the man in charge. All depended upon the nature of the food upon which the cattle had been fed. Turnip-fed cattle would go a long time without taking water, while if they had been fed upon hay and dry meat, they would want it in much less time. Would there not be a difficulty in obtaining a conviction under such circumstances?

Mr. W. E. FORSTER said, that the clause was purposely framed to take any discretion out of the hands of the magistrates. It would be an offence if, after the cattle had been thirty hours in transit, a request was not made upon the railway company for food and water. The Society for the Prevention of Cruelty to Animals would be sure to see that the Act was carried out.

Mr. PEASE stated that animals would not drink in trucks after a journey of twenty hours, although they would eat dry hay. This showed that they did not suffer from thirst.

Mr. PELL said, that great difficulty would arise in laying down any rules for feeding and watering animals on a journey, in consequence of the various droves not being put into trucks at the same hour. It was desirable above all things that the animals should be conveyed with as little delay as possible.

Mr. CARNEGIE said, that unless it was the interest of the owners of the cattle to prosecute, in the event of the cattle not being properly fed and watered on their journey, he had no confidence that any prosecution would be undertaken. If the carrying out of this clause were left in the hands of the Society for the Prevention of Cruelty to Animals, he did not think it would be very successful.

Colonel SYKES said, that if any animal, whether biped or quadruped, were kept for thirty hours without food, it must necessarily become exhausted, and the quality of its flesh as food must be greatly deteriorated. He should, therefore, support the Amendment.

Mr. LIDDELL said, he was afraid that an animal in the state of suffering inseparable from its being conveyed in a railway truck would, in all probability, refuse food and water, even if placed before it during the journey.

Mr. W. E. FORSTER said, it was an easy matter to provide that the railway companies should supply water, but not so easy to lay down rules as to the points at which the animals should be untrucked and water given them. This was an experimental clause, and if it did not answer something else could be framed.

MR. MILLER said, that in his opinion the railway companies would not find much difficulty in giving the cattle water at nearly every station. He begged the House to remember that lean cattle were conveyed by rail as well as fat ones, and that trains of cattle going from fair to fair were often delayed for a great number of hours without any person being in charge of them. Such cases as these ought to be considered.

MR. D. DALRYMPLE said, he thought that by riding the humanitarian hobby too hard we should bring about the very evil we desired to obviate. He hoped the right hon. Gentleman (the Vice President of the Council) would carry his proposition.

MR. W. E. FORSTER said, that if the hon. Baronet's (Sir Robert Anstruther's) Amendment were carried, a task would be imposed on the Privy Council which that Department would find it extremely difficult to perform, while other persons would be relieved from a responsibility which they certainly ought to bear.

SIR ROBERT ANSTRUTHER said, he wished to impose a duty not on the Privy Council, but on the railway companies.

MR. TIPPING said, that the railway companies were only common carriers, and ought not to be burdened with a responsibility which properly belonged to the owners of the property conveyed.

SIR SMITH CHILD suggested that the Amendment should be amended by providing that the food and drink be supplied at such stations as the Privy Council direct.

Amendment *agreed to.*

Amendment, as amended, *agreed to.*

MR. W. E. FORSTER *moved* to add to the end of the clause the following words :—

> "If any Company on any occasion fails to comply with the requirements of this section, they shall, on every such occasion, be deemed guilty of an offence against the Act: If in the case of any animal such a request as aforesaid is not made so that the animal remains without a supply of water for thirty consecutive hours, the consignor and the person in charge of the animal shall each be deemed guilty of an offence against this Act."

Amendment *agreed to.*

MR. M. W. RIDLEY said, he wished to know why steamboats were excluded from the operation of the clause.

SIR ROBERT ANSTRUTHER agreed that there was much more need of legislating for steamboats than railways.

MR. W. E. FORSTER said, it was difficult to meet the case of steamboats coming from foreign countries, because if certain provisions for the relief of suffering cattle were made obligatory, they would cease to come in British ships and be transferred to a foreign flag. In the case of Irish steamboats any regulations must be made obligatory at the port from which they sailed.

MR. M'COMBIE said, he could answer for the Aberdeen steamboats, on board which cattle for London were well supplied with water, hay, turnips, and other food.

MR. O'REILLY DEASE said, he hoped the right hon. Gentleman would endeavour to do something to meet the case of cattle coming from Ireland. The London and North-Western Company had a line of steamers which carried on an immense traffic. Great complaints were made as to the manner in which the cattle were treated. When they arrived at Holyhead they were put into the company's premises without food or water. They were afterwards put into trains and conveyed into the midland districts, still without food or water. He should like to see some Amendment introduced into the clause, with respect to steamers. The Committee were not now dealing with foreign boats, but with Dublin boats, and he trusted Irish Members would turn their attention to this grievance, which was a real and not a sentimental one.

MR. SERJEANT DOWSE said, he could fully confirm the statement. Pleuro-pneumonia was occasioned by the shameful way in which cattle were packed in the Irish steamers. He wished that the right hon. Gentleman would introduce a special clause on the subject into the Bill. The value of the cattle was reduced 10 per cent by this mode of transit. He had known cases in which cattle had been brought from Dublin to Peterborough without food or water, having been kept in the trucks fifty hours.

MR. J. HOWARD said, that the question was one entirely for Irish agriculturists.

Mr. W. E. FORSTER said, the grievance was patent, but he doubted whether it would be possible in a Bill which was intended to apply to England and Scotland only, to make provision for the treatment of cattle in Ireland and on their embarkation to ports in Great Britain. He hoped the present measure would be followed next Session by an Irish Bill, in which the requisite provisions could be made. If, however, the hon. and learned Member for Londonderry (Mr. Serjeant Dowse) could devise a clause which would meet the case of the carriage of cattle by steamboats, he should be glad to consider it on the Report.

Mr. W. EGERTON said, he had heard that the Irish beasts were much more unruly than any other beasts, and that the Irish drovers were rather more harsh to their beasts than any other drovers.

Clause, as amended, *agreed to.*

Clause 64 (Return of cases of disease among imported foreign animals).

Mr. CORRANCE, in the absence of the hon. Member for South-east Norfolk (Mr. Reed), moved after "cattle plague" to insert "and sheep pox." The matter was of great importance, but he left it in the hands of the Committee, trusting that the right hon. Gentleman would give his opinion on the point.

Mr. W. E. FORSTER said, that the question of the precautions to be taken against sheep pox had received the careful consideration of the Government. The conclusion at which they had arrived was that the powers they had already taken to isolate sheep were sufficient to enable them to deal with the matter. He therefore did not recommend the Committee to adopt the Amendment proposed by the hon. Member.

Mr. CAWLEY said, he thought that compensation should be made in the event of the compulsory slaughter of sheep.

Amendment *negatived.*

Clause *agreed to.*

Clauses 65 and 66 *agreed to.*

Clause 67 (Compensation on slaughter —1866, [I.] s. 12; 1867, s. 15).

Mr. CAWLEY said, this clause and the postponed Clause No. 7 involved two questions of considerable importance, and it would be necessary for him to raise them both now, or else lose the opportunity of doing so. One proposal of which he had given notice, as to the more correct mode of raising the money required for compensation, related to a tax, and, consequently, could not be brought forward by a private Member. He was, however, at liberty to raise the question as to the amount of compensation, and who should pay it. It appeared to him that as the cattle plague was a national calamity, the compensation for animals slaughtered ought to be contributed by the country at large, and not by particular localities. The local authorities were very curiously defined. A borough was defined to be a town which had quarter sessions held within it, and the result was that the town of Bradford, which had no quarter sessions, was included within the county,, and had to pay a contribution of £1,400 on an assessment of £508,000, while Leeds, having a court of quarter sessions, paid nothing at all. Many other instances of a similar character might be given, and they proved that the local authority, as provided in the Bill, could not be maintained on any principle of justice or equality. The Report which had been laid upon the table as to the amounts paid in different places showed the vast discrepancies between different counties, although it did not show fully the differences between towns. It would require a rate of something like 7*s.* 6*d.* per head to pay for the loss of the cattle which had been slaughtered in Cheshire alone. Now the mode of meeting the difficulty of the case, which he should propose, was very simple. While the individual farmer who lost his cattle could not afford to bear the loss, the infliction caused by the disease, to which the owners of cattle generally were liable, ought, in his opinion, to be met by a system of mutual insurance. Whatever loss the disease had occasioned to particular persons, there could be no doubt that the price of meat had been greatly enhanced in consequence of the slaughter of cattle which it had brought about, so that cattle dealers in localities which had not been affected by it had been considerable gainers in the result. There was every reason, therefore, why a system of insurance might, with advantage, be resorted to. He would not give the full value of the cattle lost in each case, because he did not wish to hold out any inducements which might prevent proper precautions being taken against disease; he had no desire, therefore, to go beyond the proportion mentioned in the Bill. A charge of 1*s.* per head per annum on cattle, and 1*s.* per annum on each ten sheep, in the shape of insurance, would, he thought, be found a good mode of meeting the case; and if a proposal of the kind were not adopted, he should move, at the proper time, that the compensation given be a general charge on the whole country. The hon. Gentleman concluded by moving, in page 16, line 14, to leave out "local authority," and insert "there shall be paid."

MR. E. EGERTON said, while thanking the right hon. Gentleman the Vice President of the Council for the pains which had been bestowed in the preparation of the Bill, there was one portion of it with which he did not feel at all satisfied. He alluded to the provisions by which compensation was thrown on the local authority for that which was a public calamity. The total amount of compensation for which the country was liable was, he believed, £800,000; and for 33 per cent of that amount Cheshire was liable; and why, he should like to know, should the compensation for the 37,000 head of cattle which had been slaughtered in that county for the public good be thrown exclusively upon it, instead of being borne, as it ought to be, by the country at large?

DR. BREWER said, he wished to point out that the proposal for an insurance at 1*s.* a head had already been tried in a particular instance, and that it had produced in five years only £7,495, while the value of the cattle lost by pleuro-pneumonia alone was £16,925. It was clear, therefore, that the plan had not been successful. A proposition for assurance, at the rate of 2*s.* 6*d.* per head, would be entitled to more favourable consideration.

MR. W. E. FORSTER said, he wished to state in a few words why the Government could not adopt the Amendment of which the hon. Member for Salford (Mr. Cawley) had given a sketch. It was true that the expenses connected with the cattle plague had not been paid according to principles of perfect equality, but the same might be said of any tax. The hon. Gentleman next stated that insurance was the most desirable principle, because the cattle plague was a matter which concerned the whole country. In like manner it might be said that the relief of pauperism was a matter which concerned the whole country, but, nevertheless, it was considered that a local system insured the most economical and efficient mode of raising and distributing the money. He could not agree with the hon. Gentleman that in respect to the cattle plague the future was likely to resemble the past, for everyone must allow that if cattle plague were to come into the country now, there would not be anything like the same percentage to pay for losses consequent on it, and that whereas it had been a question of pounds in the past, it would be only a question of pence in the future. The House must also consider the inconvenience of adapting the insurance principle to the whole of the country, for the machinery requisite to carry it out would be very extensive, and the money which would be raised by the plan of the hon. Gentleman would amount to more than £300,000 a year, and this to insure a fund for compensation when it was hoped that in future no necessity would arise for the payment of any compensation at all. With regard to Cheshire, all must have regretted to hear how much the farmers in that county suffered from the cattle plague; but that was a matter of the past, and did not affect the present Bill, the object of which was to make provision for the future.

MR. HENLEY said, the proposal made by the hon. Member (Mr. Cawley) went further in principle than at first sight it appeared to do. It was impossible, if they were to take the whole area of the country for these kinds of demands, but that the same principle must be applied to the poor rate and every other burden. He was sorry to say that everything was tending to what was called a national rate. That was pressing on in every direction, and he did not wish to help it forward, for he believed that such a system would lead to very wasteful expenditure. He, therefore, could not give his assent to the proposed Amendment.

MR. M'COMBIE said, he entirely disapproved of the Amendment, the adoption of which would cost some of his constituents £100 a year.

Mr. G. GREGORY said, he feared that if the local authorities had a common fund to resort to they would become lax in the performance of their duties. He must observe, too, that that would be a capitation tax, and not an *ad valorem* one, and that it would therefore bear unequally on the poor with their inferior cattle, and the rich with their highly-bred animals.

Mr. HIBBERT said, he considered it desirable to rely on the existing machinery for giving compensation, endeavouring to extend the area of rating so as to include many boroughs of a semi-rural character.

Mr. W. E. FORSTER said, that the present question was the omission of the words "local authority," and there was no advantage in entering now upon the question what the local authority should be?

Mr. CAWLEY said, that voluntary assistance failed because it was not national. When the cattle plague swept over a district the cattle and the assurance went together. His present purpose was served by the discussion that had taken place. The discussion could be renewed on a clause that had been postponed.

Amendment, by leave, *withdrawn*.

Mr. G. GREGORY moved, page 16, line 16, to leave out "twenty," and insert "thirty." The clause, he said, already provided that the compensation should not exceed one-half of the value of the animals, and as there were many animals worth £60, he did not think that £30 would be too high a figure to adopt as a maximum.

Mr. W. E. FORSTER said, he did not attach much importance to that point; but he should be prepared to adopt the Amendment if it should meet with the general approval of the Committee.

Mr. DENT said, he thought £20 would be a sufficiently high sum for a maximum of compensation. The adoption of the Amendment would hold out an inducement to local valuers to rate cattle at an excessive amount.

Mr. J. B. SMITH said, he must oppose the Amendment.

Mr. HENLEY said, he thought the figure of £20 was high enough.

Mr. W. E. FORSTER said, he would recommend that the Amendment should not be pressed, as it did not appear to meet with the approval of the agricultural Members.

Amendment, by leave, *withdrawn*.

Mr. M'COMBIE moved, page 16, line 17, to leave out "one-half," and insert "two-thirds." He had a long experience as chairman of the Aberdeenshire Rinderpest Association. They sat weekly for nine months, and had the credit of being the first to stamp out the disease, and their system was followed throughout Britain. But although they gave liberal compensation they found people unwilling to give information of outbreaks of disease among their stock. It was to be expected that if they only offered a man one-half the value of his animals he would say to himself—"I will rather run the risk of the disease spreading than have them killed." But offer him three-fourths of the value for animals affected, and full value for sound ones which had been in contact, and there would be no temptation to conceal.

Mr. W. E. FORSTER said, he did not think the alteration of the amount would produce the effect anticipated by the hon. Gentleman.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 68 (Compensation for the slaughter of cattle herded with diseased animals—1866, [I.] s. 15).

On the Motion of Mr. G. Gregory, "thirty" was substituted for "twenty-five" in line 27.

Clause *agreed to*.

Clauses 69 to 72, inclusive, *agreed to*.

Clause 73 (Power for Council to make orders—1848, [II.] s. 4; 1866 [II.] s. 4).

Mr. CAWLEY *moved*, in page 17, line 34, after "animals" to leave out to the end of line 38.

Mr. W. E. FORSTER said, that the terms upon which compensation was to be made were merely defined, but not provided for, by the Bill. In the event of the cattle plague unfortunately breaking out again, the question of providing for compensation would have to be taken into consideration.

Mr. PELL said, he would remind the right hon. Gentleman that at an early period of the cattle plague in this coun try cattle were slaughtered without any compensation being made to the owners.

MR. DENT said, that in that case the cattle must have been slaughtered without the authority of the Privy Council or of any of the recognized local authorities.

MR. CAWLEY said, he thought that the words of the clause would give the Privy Council power to apply the Act to any disease that could be called infectious.

MR. W. E. FORSTER said, he thought it would be advisable to retain the clause as it stood, but he would give the whole matter his attentive consideration before the bringing up of the Report.

Amendment, by leave, *withdrawn.*

MR. W. E. FORSTER *moved,* in line 38, after "affected" to add—

"And this section shall extend to horses and all ruminating animals not within the definition of animals in this Act."

Amendment *agreed to.*

Clause *agreed to.*

Clauses 74 to 86, inclusive, *agreed to.*

Clause 87 *omitted.*

Clause 88 (Expenses for compensation 1867, s. 33).

MR. W. E. FORSTER *moved* at end, to add—

"Every order of a board of guardians for contributions of moneys, out of which any such expenditure as in this section mentioned is payable, shall state the amount in the pound of contribution required for such expenditure; and the overseers, on the receipt given to any ratepayer for poor rate, shall specify the amount (if any), collected in respect of such expenditure."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 89 *agreed to.*

Clause 90 (Application of balance unappropriated).

SIR EDWARD BULLER said, he wished to call attention to the refusal to pay compensation in the county of Chester, on the ground that the appointment of an inspector was invalid, and that there existed between the 20th of February and 4th of March, 1866, no authority to slaughter cattle and to award compensation. He proposed an addition to the clause with reference to the disposal of any balance—that compensation should be given out of it for any cattle slaughtered by direction of an inspector, in order to prevent the spread of the disease, between 20th February and 15th April, 1866, and for which no compensation had been given.

It being now ten minutes to Seven o'clock,

House *resumed.*

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## LAW OF FORFEITURE ON CONVICTION OF FELONY.—QUESTION.

MR. C. FORSTER said, he rose to ask Mr. Attorney General, Whether it is his intention to re-introduce the Bill which passed this House in the Session of 1866, for altering the Law of Forfeiture on Conviction of Felony? Five years ago he had himself introduced a Bill on the subject, and it was read a second time without opposition; but in deference to the suggestion that such a Bill should be in the hands of Government, he resigned the question to the then Attorney General, the hon. and learned Member for Richmond (Sir Roundell Palmer), who introduced a Bill dealing with it in 1866. That Bill passed through all its stages without opposition, but when it reached the other House there came a change of Government and the Bill was dropped. The consideration of the question was again adjourned from time to time, but he trusted that the injustice and inconvenience of the present system would not be allowed to continue much longer.

THE ATTORNEY GENERAL said, it would be impossible at this period of the Session for the Government to bring in a Bill on the subject; but if the hon. Member would undertake to bring in such a Bill at some future period he thought it was not unlikely that he should be able to co-operate with him in carrying it through Parliament.

## ARREST OF MR. MURPHY AT BIRMINGHAM.—QUESTION.

MR. NEWDEGATE: Sir, I beg to put a Question to the right hon. Gentleman the Secretary of State for the Home Department of which I have given him private notice. I have to-day presented a Petition from a meeting in St. James's Hall, at which I and other hon. Members of this House were present. That meeting was convened for the purpose of considering the effect of the action of Her Majesty's Government through the Home Secretary, and the action of certain civic authorities on the right of free assembly and free discussion of lawful topics. I will not now detain the House by going into this subject; indeed, that would be unfair on my part in the absence of the other hon. Members who were present at that meeting, but who are not now in their places. I will therefore merely advert to the fact that in the case which has arisen in Birmingham, where Mr. Murphy was arrested without any information, and, I believe, contrary to law, an action of false imprisonment is intended against the Mayor of Birmingham; but it is impossible that that action can come on until after the Recess. Now, Sir, considering, as my hon. Friends consider, that the present state of things is highly unsatisfactory, with the law in a great measure confined in its application by what has occurred, I wish to give notice that I intend to call the attention of the House to the circumstances which have arisen in connection with this subject of the right of free assembly and free discussion, and I beg to ask the right hon. Gentleman, Whether on the part of the Government he will afford me any facility for bringing forward that Motion?

Mr. BRUCE said, he had already given a private answer to the hon. Member's private communication, to the effect that, although Her Majesty's Government would at all times be ready to meet any charge that might be made against them with respect to the measures they had taken to prevent the dangers they believed likely to arise from the proceedings of the lecturer Murphy, the pressure of Public Business was such that out of the very limited portion of time that remained at their disposal they did not feel at liberty to grant any special facilities to the hon. Member to bring this subject forward on a future occasion. The hon. Member would, however, find no difficulty, as an independent Member, on an occasion similar to the present, in bringing forward any Motion he might think fit upon this subject, which after all did not appear to him to be of very pressing importance.

## CENTRAL ASIA.—QUESTION.

Mr. EASTWICK*: Sir, I rise to ask a Question as to the state of affairs in Central Asia, and to the remarkable changes that are going on there; and I wish, before doing so, to explain why I desire to refer to the subject. Some hon. Members may, perhaps, think that at a time when so many home questions of the utmost importance are pressing for decision, the consideration of a question relating to a region so remote and inaccessible, and of which we know so little, as Central Asia, might well be postponed. But I would remind the House that the remoteness of a region, its difficulty of access, and our ignorance concerning it, are no sufficient guarantees that it may not unexpectedly become a grievous burden upon our finances. Witness the case of Abyssinia, of Persia, and of Affghánistan. I believe that had our relations with those countries been brought under the notice of the House at the proper moment, we should never have heard of the Abyssinian, Persian, or Affghán wars, nor have had to lament the enormous expenditure they entailed. In that belief I would ask the House to take up this question of Central Asia in good time, and in particular I would ask those hon. Members who expressed such extreme dissatisfaction at the discrepancy between the Estimates for the Abyssinian expedition and the actual outlay to be beforehand with this question, and to take care that there shall never be a necessity for drawing up any Estimates at all regarding it.

Sir, I believe I am right in saying that it was the intention of a late hon. Member of this House—who is, perhaps, better acquainted with the Central Asian question than any other Englishman —I mean the late Member for Frome (Sir Henry Rawlinson)—to have brought the subject under the notice of the House last Session. That intention was frustrated; but I think the very fact that one so conversant with the subject was desirous of bringing it forward, is good evidence that the consideration of it ought not to be deferred now, more particularly as every circumstance, that could have been mentioned then, has acquired increased gravity in the interim. I suppose that Sir Henry Rawlinson's principal motive for wishing to bring the subject forward was that which also actuates myself—I mean the desire to remove some erroneous impressions on the question, which have been created and disseminated by the public Press. I am not speaking of the Press of this country, though there has been no inconsiderable interest awakened on the subject even here. But I refer chiefly to the Russian Press, and would say of the articles which have appeared on the subject in such papers as the *Moscow Gazette*, using the words of an Edinburgh Review for 1867—

> "How many a blunder to Russia no less than to England might be saved, if, on the common ground of Central Asia, the political intentions of either party were more clearly understood by the other."

In India, too, the progress of Russia has become a very absorbing topic, and has given rise to considerable anxiety, and even alarm, which it is very desirable should be dissipated by a full and frank discussion in this House.

I will now hasten to notice, as briefly as possible, the events which have occurred in Central Asia; but I must first define the region of which I wish to speak under that title. I mean by Central Asia, then, that vast region which is conterminous with the northern frontiers of Persia and Affghánistan, is bounded on the west by the Caspian Sea, on the north by the frontiers of the Russian provinces, Orenberg and Omsk, and on the east by the mountains of Chinese Tartary, and the ranges which succeed them, up to Bakhtarminsk. In order to simplify my statement, I shall say what I have to say of Chinese Tartary at once, so as to eliminate that country from the discussion. It has been called Little Bokhára, Eastern Turkestan or Chinese Tartary. The second name is that which should now be adopted, since the Russians have established a new province to the west which they have called Turkestan. The name of Chinese Tartary is no longer applicable. The Chinese have been massacred or expelled. The whole country has been revolutionized and Muhammedinized, and is under the sway of Yakúb Kushbegi, a native of Kokand, whose capital is Kashgár. This is the same individual who commanded the Army of Kokand against the Russians some fifteen years ago, and is said to have been secretly favourable to them. Be that as it may, it is certain he now rules at Kashgár, and the Russians have advanced their frontier from Bakhtarminsk in the direction of Kashgár 500 miles to the south, to the Syanshan Mountains, which bound Kashgár to the north, and have annexed all the territory to the west. Were the same rate of progress continued, Russia would in the course of a few years—I have heard one great authority say in one year — advance to the Kuen Lun range and the frontiers of Kashmír, and, for my part, I do not see why such an event should be contemplated by us with any feeling of dissatisfaction. The Chinese Government of Eastern Turkestan was cruel and exacting, and that of the natives when they succeeded to power was no better, as witness the pyramids of heads set up in Kashgár in 1857, by Vali Khan Turia, on the summit of one of which he is said to have placed the head of the celebrated traveller Adolphe Schlagentweit. If the Government, therefore, should pass into other hands, I can see no reason for regretting the change. As to the Indian frontier in this direction, although the discoveries of that enterprizing officer Mr. Forsyth and others have dispelled the illusion once entertained even by the President of our Geographical Society, that it is fenced with such stupendous and impassable mountain ranges that the movements of the most formidable hostile power in the region beyond it might be viewed with complete indifference, I nevertheless consider that there is no ground for alarm. It is true Mr. Forsyth and others have shown that about seventy miles east of the Karakorum Pass there is a route over a high plateau passable even for wheeled carriages between the frontier of India and Yarkand. It is true, too, that the frontier of India has twice been invaded in that direction, once in 1686, and again in 1841; but the territory belongs to our faithful ally the Rajah of Kashmír, who sent a brigade to assist us at the siege of Delhi, and whose loyalty and fidelity are well known, and with our assistance he could render all attempts at invasion over the difficult country I have mentioned impossible, and therefore we need have no anxiety on that head. I must mention that Mr. Forsyth has succeeded, with the aid of the Rajah of Kashmír and his Minister, in developing a trade between the Panjab and Yarkand in this direction, which cannot but prove most beneficial to our Indian tea plantations. On that account and in the interest of science I trust the Government will see reason to publish the correspondence and Papers which have passed between Mr. Forsyth and the Indian Government on this subject. To return to the great tract to the West, which I have called Central Asia, and the boundaries of which I have mentioned. This is marked out by nature in three great divisions. To the north there is the Great Kirghiz Steppe, extending 1,500 miles from west to east, and more than 500 from north to south. This is, for the most part, desert, and wandered over by 2,500,000 of nomad Kirghiz. Next comes the rich tract between the rivers Jaxartes and Oxus, which extends from the Sea of Aval, in a south-easterly direction some 800 miles, up to the mountains of Badakhshán and Kábul, and comprehends the three Uzbek States, Khaiva, Bokhára, and Kokand. Lastly, there is, to the south-west, the great Turkuman Steppe, with a population of 2,000,000 of nomad Turkumans. The area of the whole region I am describing exceeds 1,000,000 of square miles, with a population of less than 9,000,000. Its area surpasses that of British India, and might even be compared with the whole of the vast tract from Pesháwar to Calcutta and Cape Comorin. This scanty population is mainly owing to mis-government, for the country between the rivers possesses a soil of singular fertility, and is capable of supporting many times more inhabitants than it at present has. Indeed, the immense armies of Chengiz, and of Tamerlane, were maintained and recruited there. Sir, twenty years ago the whole of this vast region was interposed as an independent country, inhabited by free and independent tribes, between Russia and Persia, and Affghánistan. The Russian frontier was then marked by the so-called Orenberg and Siberian Lines, a series of military posts which extended from Gouriev, where the river Ural falls into the north-west part of the Caspian, to Orenberg, Orsk, Troitska, Petropalovsky, Semipalatinsk, and Bakhtarminsk, a distance of 3,300 versts, or 2,200 miles. But in 1847-8 the Russians commenced a great movement to the south; they built three forts in the centre of the Kirghiz Steppe on the Turgai, Irgiz, and Karabut rivers, established lines of communication from Orenberg to the Sea of Aral through the Steppe, and built the Fort of Aralsk or Raimsk, where the Jaxartes flows into the Aral Sea, on which they launched three vessels. From that time to this their advance has been sometimes slow, but continuous. I will not weary the House by detailing their military operations, which were uniformly successful, and reflect much credit on the Russian soldiers. Suffice it to say that the advance was made in two directions; from the Aral along the course of the Jaxartes, where a line of forts, erected by the Kokanians since 1817, were captured and destroyed, or re-built and garrisoned, and from the Siberian lines to effect a junction with the troops ascending the Jaxartes, and to capture the forts that intervened between the two Russian lines of advance. The progress of these two lines was delayed by two events, one of which was a serious insurrection of the Kirghiz of the Steppe under one Izet Kutebar, which lasted from 1853 to 1857. I may mention that these tribes are now again in revolt, and have been joined by the Bashkirs. But the present insurrection will assuredly be put down as was the last. However, in 1853, the Russians took Ak-Mesjid, the principal Kokanian fort on the Jaxartes, and in 1854, they founded Fort Vernoe, on the Issikul Lake, on the eastern line of advance, which became the capital of the Great Kirghiz horde, who must now be reckoned as Russian subjects. The other great event was the Crimean War; but, as soon as it was over, Russia made immense efforts to reduce Circassia to complete submission. An army of more than 100,000 men was employed in the Caucasus—Gaunib was taken in 1859, and Shamil sent prisoner to Russia. The Circassian exodus followed, and the great army of Trans-Caucasia was set free to reinforce the troops in Central Asia, or to act in any other direction. In 1864, the two Russian lines of advance were brought into communication by the capture of Turkestan and Chemkend, two important cities above the forts on the Lower Jaxartes, and by the storming of all the Kokanian forts to the East. In November of that year, Prince Gortschakoff issued a circular, stating that Russia had been constrained by imperious necessity to advance thus far, but that the Empire had now reached its limits, which would be settled by negotiation. In 1865, the recently conquered territory was erected into a new Government, which was called the Province of Turkestan. But in the summer of that year hostilities were resumed; General Chernaief engaged and defeated the combined forces of Kokan and Bokhára, and advancing south ninety miles, took Tashkend, a city with 100,000 inhabitants, and the most important commercial town in Central Asia. He was recalled, but presented, it is said, with a diamond-hilted sword by the Emperor. His successor, General Romanoffsky, followed in his steps, and in May, 1866, defeated the Amír of Bokhára at Idfar, on the left bank of the Jaxartes, marched south, and took Khojend, a city directly between Kokan and Bokhára. With this blow, the independence of Kokan, one of the three principal Uzbek States, was extinguished, half its territory being incorporated with Russia, and the other half reduced to a dependency under Khudayár Khán. In 1867, Romanoffsky invaded the territory of Bokhára, and established *a tête de pont* at Jizzik, within sixty miles of Samarkand. On this, he was recalled, and even degraded from his military rank and sent to Moscow, where he devoted his time to the preparation of a pamphlet on the means of consolidating the Russian conquests in Central Asia. Meanwhile, General Kaufmann in command of Jizzik, defeated an army of observation, which the Amír of Bokhára had assembled in the vicinity, and took Samarkand, which is now garrisoned in force by the Russians. Thus expired the independence of Bokhára, for the Russians can, at any time, occupy the capital and overrun the remaining territory; but, ere they do this, they will probably wait for the construction of a railway from the Caspian to the Oxus, which, at the recommendation of General Romanoffsky, has been sanctioned by the Russian Government, and the surveys for which are now being made. It is said that General Romanoffsky will shortly arrive to superintend the construction of this line, by which the troops in Bokhára can be re-inforced in a few weeks either from the Caucasus or from Astrakhan. Russia being now dominant in Bokhára and Kokan, and the whole of the rich country between the Jaxartes and the Oxus having been virtually absorbed into the Russian Empire, it may be asked —What will be the results? The first result will, of course, be that, as the Orenburg and Siberian Lines are now useless, the whole of the Cossacks and other troops that guard them will be pushed forward some 1,200 miles to occupy a new frontier from Krasnovodsk Bay, or wherever else on the Caspian the railway may be commenced, to the Oxus, and along that river to the foot of the Kábul mountains, and so on to Fort Vernoe, in the Kashgár mountains, and thence to Siberia. The army of Central Asia will also, no doubt, be greatly augmented, and the resources and revenue of the new country will be fully adequate to meet the increased expenditure. The railway from the Caspian to the Oxus will enable the Russians at any time to reinforce their army on the Oxus to any extent from Trans-Caucasia. This is expressly stated by General Romanoffsky in words which, with the permission of the House, I will now read. General Romanoffsky, after speaking of new roads, projected by the Russians, from the Caspian into Central Asia, says—

> "Since the above was written preparations for the construction of a railroad have begun on this route. After the completion of the line, which may be expected within two years at latest, communications by steam will have been established between St. Petersburg and Khojend, in the very heart of Turkestan. Another advantage of the projected roads is that they would put the Caucasus in direct communication with Turkestan, it being probable that we shall have to keep a large force in the Caucasus for many years to come, and that, on the other hand, there will be no lack of opportunities in Central Asia of achieving grand results with small detachments, the importance of providing a short cut cannot be over-rated. At present, it takes two months to march a body of troops from the Volga to Turkestan; after the construction of the new road, a couple of weeks will suffice. In future, then, the Caucasian army will be regarded by our Generals as the reserve of the Turkestan force, and being always so strong that it can easily spare some battalions without injury to the service entrusted to it, its sphere of action will, in fact, extend to both countries alike."

The second result will be that the Russians will acquire a predominant influence at Kábul. Those who question this do not perhaps consider how intimately Bokhára and Kábul are connected, both geographically and politically. The districts of Balk, Khulum, and Kunduz, which have been held by the Affghâns of Kábul for the last thirty years, belong properly to Bokhára; while Maimanah, Sir-i-Pul and Andkoi are in dispute between the two States. These circumstances must lead either to a collision between the Russians and Affghâns, or to great concessions on the part of the latter. In either case, Kábul is sure to become dependent on its powerful neighbour. It must be remembered, too, that Bokhára has repeatedly, in the last quarter of a century, decided the fate of Kábul. Both Dost Muhammed, and Akbar his son, took refuge in Bokhára, and returned from it to reign at Kábul; and, in 1867, Abdu'r rahmán Khán, the grandson of Muhammed, who is married to a daughter of the Amír of Bokhára, expelled Sher Ali Khán, the present ruler of Kábul, from his capital, with the help of a Bokhárian auxiliary force. We may fairly argue, then, that in the hands of Russia Bokhára will play a more influential *rôle* at Kábul than it did in those of a comparatively weak native chief. Sir, I cannot but think, from the tone of at least one article which has appeared in the *Moscow Gazette*, that the Russians themselves anticipate such a result, otherwise they would hardly have informed us that the Passes up to Kábul are practicable for siege guns, or have supposed that we should attach so much importance to their occupation of Bokhára as they seem to think we do, by anticipating that we would have recourse to diplomatic, or even military interference, to prevent their advance. Sir, I believe these notions are quite false, and I imagine I am expressing something of the general feeling here when I say that I rejoice that the odious tyranny of the Uzbek chiefs has been superseded by a Government which has already done so much to civilize an immense portion of Asia, and develop its natural resources, and which hospitably receives and protects travellers, instead of plundering and imprisoning, or, perhaps, murdering them. The whole region of which I have spoken, as just occupied by the Russians, is rich in minerals, and large portions of it in agricultural and other produce, and, under a settled Government, we may expect to see the uprise of a flourishing commerce, which by enriching Russia must indirectly benefit us. With regard to Kábul, although I conceive it to be our duty to cultivate friendly relations with its ruler, as well as other neighbouring Princes, I can see no reasons which should induce us to embark in any fresh alliance with him; still less can I understand why we should be apprehensive of any danger from that quarter. As soon as the railway is completed to Peshâwar from Lahore—and I am glad to hear that two-thirds of the lines, as far as Rawul Pindee, are now being made—and as soon as the line from Hyderabad to Multán is finished I should look upon Peshâwar as about the safest place in all India for us to encounter an enemy. Supposing, for the sake of argument, a hostile force to descend from Kábul to invade India, it would, as Sir Henry Lawrence remarked long ago, emerge from the Khyber Pass, necessarily in some disorder, in the face of a first-class fortress and a powerful army, with all the resources of India at their back. It is quite within our own power to make Peshâwar absolutely secure against any force that under any circumstances could be brought against it. It stands to reason that, as this place is one of the two doors of India, and as there are salubrious hill stations within a convenient distance, as at Rawul Pindee, and Campbellpore, we should here mass our strongest European force, say 15,000 men, under the very best General the English army can produce, and that he should have unlimited powers to establish defences on the banks of the Indus, and to deal with the hill tribes in the neighbourhood. If we wish to solve an Affghán problem, let us begin with these tribes, who are amongst the most warlike of their nation, and if united could, it is said, bring into the field 100,000 fighting men. I am informed that a medal is about to be given for fifteen actions fought by our troops in fourteen years with these tribes; and it is notorious that, in the campaign of 1863 alone, we lost against them 900 officers and men, killed and wounded. Sir, I hope the Government will propose another medal for the General and troops, who shall maintain our North-western frontier for three years without a single engagement with these tribes. I have no doubt such a medal could be won, but not till after a judicious mixture of severity and conciliation, maintained for some time, had brought these tribes over to our side. In order to effect this object we must select the very best General we have for the command of the frontier, and place under him a sufficient number of European troops. At present we have at Pesháwar and on the frontier a force of 25,000 native troops—the very flower of our native Army—and it appears highly impolitic to have with them no more than 6,500 Europeans. There are, at a convenient distance from Pesháwar, the most salubrious hill stations in, perhaps, all India, and there I would mass a force of not less than 15,000 Europeans, drawing 2,000 from each of the minor Presidencies—from such places as Madras, Hyderabad, and Punah, and the rest from such stations as Cawnpore in Bengal. Such a European force could at once crush any opposition on the frontier, and would make it absolutely secure; and, in case of any unforeseen emergency, a division of it could be moved by rail to any part of India. I think, therefore, that it is entirely in our own power to make our frontier at Pesháwar secure, and I am against any fresh alliances with the Affgháns of Kábul. I know it has been said that the neutrality of the Affgháns during the great Mutiny was owing to the subsidy paid to Dost Muhammed; but I am convinced that it is to be attributed to the stern and decisive measures taken by our General and the political authorities at Pesháwar, rather than to any forbearance on the part of the ruler of Kábul. In short, I am entirely opposed to any agreement to supply the Affgháns with money or with arms, because our motives in such a course would be certainly misinterpreted, and because, from the notorious fickleness of the Affgháns, such supplies would be just as probably used against us as for us. Besides, our unfortunate antecedent relations with the Affgháns have left on their minds a blood feud. Above all, such a measure, without conciliating the Affgháns, would indubitably give great umbrage to our old and natural ally, Persia.

Having mentioned Persia, I come to mention a third result, which must necessarily follow from the recent conquests of Russia, and that is a considerable amount of apprehension, and perhaps disturbance, amongst the Persians. I know that, in one respect, the Russian advance will be beneficial to Persia. The slave markets of the Uzbek capitals will be now closed, and thus one great inducement for the forays of the Turkumans will be removed. We may even hope that the Russians may be induced, in the cause of humanity, to enforce the liberation of the myriads of Persians who are now pining in slavery amongst the Uzbeks. I know, too, that the Sháh is too conscious of his dignity, as the representative of one of the oldest monarchies upon earth, and too confident in the loyalty of his people, to have any anxiety; and I suppose that his Government and our own would be as willing to accept, as the Russians would be willing to offer, assurances of the groundlessness of any apprehension of a fresh advance on their part. But still unreasonable panics prevail in the East; and I cannot but think that the advance on the East of the Caspian of a great Power, which has already deprived Persia of some of her fairest provinces on the West of that sea, will cause considerable alarm in the frontier provinces of Persia, and especially in Khurásán. The Persians will point to the island of Ashurádah, in the south-east corner of the Caspian, close to Astarábád, which was occupied by Russia so long back as 1841, and converted from a mere sandbank into a naval depôt and a station for war steamers. The Persians have long since been informed by one of their own European instructors, M. Ferrier, that a Russian expeditionary force might with ease, and almost without the knowledge of the Persian Government, be landed from Báku or Astrakhan, at Ashurádah, concentrated at Astarábád, and marched along the Perso-Turkuman frontier all the way to Herat. Indeed, the Persians might allege that such a step could not be prevented, for by the Treaty of Paris the Persians are prohibited from entering Herat territory, and it would take many weeks for a force from Kábul to reach Herat by the circuitous route of Ghazni and Kandahar. The Persians will also point to the fact that there is an Affghán contingent serving in the Russian camp, commanded, it is said, by Sikandar Khan, son of the late Ruler of Herat. Above all, they will dwell on the circumstance that the immense strategic importance and general value of Herat is thoroughly well known among the Russians, who had a scientific mission there in 1858, which explored all the neighbouring country. In fact, every Russian officer must know that Herat possesses a soil of unrivalled fertility, a salubrious climate, and abundance of water; that all the roads from the principal cities to the north, west, and south centre in it; that it is surrounded by formidable earthworks, which might be strengthened by European science to any extent. In short, Russian officers know well that Herat is a position of the highest strategic importance, and possesses unrivalled advantages in other respects. The Persians, therefore, will imagine that, just as three Russian Generals in succession disregarded the manifesto of Prince Gortschakoff, and advanced to fresh conquests, so a fourth, in imitation of his predecessors, may be found to make a sudden and unexpected advance upon Herat. Now, it will be said that these apprehensions of the Persians are quite groundless, and the whole notion of a fresh movement on the part of Russia illusory, and many, therefore, will recommend a policy of complete inaction, and, no doubt, that was our true policy thirty years ago. But I contend that a system of interference on our part, as regards Herat, ever since 1837—wars waged, and millions of money expended, and above all, Treaty obligations incurred—render an inactive policy now inconsistent with justice to Persia and with honour. Sir, the House will, I hope, pardon me if I show, by a very brief *resumé* of our relations with Persia, the manner in which the Herat question arose, and the grounds on which I believe our former interference in it, and our present neglect of it, alike unjustifiable. It is, perhaps, not generally known that our friendly relations with Persia are of older date than those with Turkey, which commenced in 1675, while those with Persia began in 1602. In that year two valiant English Knights—Sir Anthony and Sir Robert Sherley—entered the service of Abbás the Great, and became the instructors of the Persian Army. It was in great part owing to them that he gained that signal victory over the Turks, in which 23,000 Turks were left dead on the field of battle, and ten Pashas were slain or taken prisoners. In 1622, friendly Embassies were interchanged between England and Persia. In 1625, the combined forces of Persia and of the East India Company took Gombroon, which has ever since been called the Port of Abbás. An English factory was maintained there till 1761, and during all that time the agents of the East India Company were well received at the Persian Court. The successors of Abbás, whatever their follies, or whatever their crimes, were uniformly favourable to Christians, and especially to the English, and their conduct in that respect contrasted most advantageously with the cruelty and intolerance of the Turks. Even Nádir, that great conqueror so terrible to others, showed especial favour to Englishmen; treated Hanway with respect, and made Elton his Admiral in the Caspian. In 1763, Karím Khán, then Sovereign of Persia, granted to the English exclusive trade privileges and the right of establishing a factory at Bushire. Those privileges were enlarged and confirmed, in 1788, by Jáfir Khán. From 1801 to 1814, under the dread of an Affghán or a French invasion of India, the English sought the alliance of Persia with extraordinary persistence, and Fath Ali Sháh responded to their advances with the utmost cordiality, and thereby established, in behalf of Persia, an enduring claim on the friendship of England. In the repeated Treaties which were contracted during that period between the two countries, it was especially covenanted that Persia should prevent any invasion of India by the Affgháns, or by a European Power advancing by Samarkand or Bokhára. But as the dread of invasion passed away, the friendship of England grew cold. I shall not allude to what took place between us and Abbás Mirza in 1826 and 1828, because I am quite unable to justify it. It is enough that our policy towards Persia underwent a complete change, until, in the beginning of Muhammed Sháh's reign, our alienation culminated in positive interference and repression. Then arose, and was officially expressed, the idea—the preposterous idea, I will call it—that Persia was the "pioneer of Russia." That notion received some colour from the fact that Haji Mirza Aghassí, born a subject of Russia, had risen to be Prime Minister of Persia. But it is absurd to suppose that so astute a people as the Persians could have ever believed in any special identity between their own interests and those of Russia. I will not pursue this theme, but will only say that Russia is her own pioneer, and stands in need of no assistance from any quarter to accomplish her objects. However, at this time the Herat question arose, and the erroneous doctrine I have mentioned prevented our diplomatic officers from giving to the arguments of the Persians, in favour of the expedition against Herat, their due weight. I believe the value of Herat to Persia has never been properly understood in England. In order to view the question aright, it must be observed that the mountains, which form an impassable barrier to the north of Khurásán, after running several hundred miles from the Caspian in the direction of Herat, sink down before they reach that city, and leave a level country quite open to the forays of marauders. The Turkumans, who have desolated Persia for centuries, and have carried hundreds of thousands of Persians into slavery, cannot be repressed by Persia without the occupation of Merv, and Merv cannot be retained without the possession of Herat, as from no other place is there between Persia and Merv a well watered and practicable route. Merv is a colony of the family of the Sháh, and is, in consequence, called "Merv of the Kajars." It was for these reasons, and not out of a foolish ambition, that Fath Ali Sháh, Abbas Mirza, his son, Muhammed Sháh, and his grandson, the reigning Sháh, have desired and attempted to occupy Herat. But there were other and just grounds for Muhammed Sháh's expedition. The House will be surprised to hear it, perhaps; but it is the fact, that the population of Herat is more Persian than Affghán. I will go further than that—I will prove to the House that the Affgháns are in a small minority; that they are mere invaders, and are as odious and detested as any invaders ever were in any part of the world. I establish this by the impartial testimony of a celebrated traveller and Orientalist, who has been the last European visitor at Herat, M. Vambery. He says—

> "Never was ruler or conqueror so detested as is the Affghán by the Heratí. The original inhabitants of the city were Persians, and belonged to the race that spread itself from Sístán towards the North-east. The fortress itself is inhabited, for the most part, by Persians. As for Affgháns, one cannot find in the city more than 1 in 5. They have become quite Persians, and are, particularly since the last siege, very hostile to their own countrymen. A Kábulí is as much detested by them as by the aboriginal natives of Herat. It needs only some attack, no matter by whom, to be made upon Herat, for the Heratís to take up arms against the Affghans."—[*Travels in Central Asia*, p. 283.]

I was employed in the neighbourhood of Herat during the last siege, and I was in daily communication with Heratís, and I confirm that statement. But even our own political officer at Kábul acknowledged that Muhammed Sháh was justified in marching on Herat. Burnes wrote from Kábul to Lord Auckland, on the 14th of October, 1837—

> "The most outrageous conduct of Kamran and his Minister in having sold into slavery the greater part, if not the whole Shiah population of Herat, would justify any attack on the part of Persia."

But Burnes did not add that, by the 9th Article of the Treaty of 1814, England was expressly debarred from interfering. The Article is—

> "If war should be declared between the Affgháns and Persians, the English Government shall not interfere with either party, unless their mediation to effect a peace shall be solicited by both parties."

But in spite of this express covenant—in spite of the most just grounds and even necessity that Persia had to occupy Herat—England interfered, and in favour of whom?—of a man who had sold a whole population into slavery, and who requited us by immediately tendering his allegiance to Persia. Sir, it would occupy too much time to continue the story of Herat. Suffice it to say that it is all of the same kind, and has resulted in great expense to ourselves, and in great loss and expense to Persia, counterbalanced in some degree, to Persia by the fact that even the Affghán chiefs that we have imposed upon the Heratís, have all been, avowedly or secretly, the vassals of the Sháh, and have some of them even read the prayer for the Sovereign, and coined money in his, the Sháh's, name. Sir, I contend, that, as our policy of repression and interference with Persia has entirely broken down in the case of Herat, we should abandon it as regards Merv, Sístán, Bahrain, and other places, where we have no legitimate right to meddle. I would also urge that we should again recognize the fact that the interests of Persia are entirely identical with our own; and that we should return to the former cordial alliance with that country which we maintained for many years. As for Herat, we are, of course, bound to observe the Treaty of Paris, but let us at least interpret it as favourably as possible to Persia; and to that end let us send a British officer of experience to Herat, who may act as mediator for the Persian interests. There can be no objection to this, as our name has always stood well with the Heratís, and there have been many European officers at Herat since the time of Eldred Pottinger. Colonel Taylor, and Captain Clerk, were there in 1857; the Russian Mission in 1858; Colonel Pelly in 1860; and Dost Muhammed himself invited me to Herat during the siege of 1862-3. In every other respect let us assist to strengthen Persia. I understand that there is an intention of sending officers to instruct the Sháh's battalions, in accordance with the application which I had the honour to submit from His Majesty, in 1863; but I must own I am surprised at the delay which has taken place in acceding to so reasonable a request. There is no better soldier than the Persian, and under English officers —to whom he has always been respectful and attached—he would be equal to any undertaking. If the House will permit me I will establish this by undoubted evidence. The first evidence I will quote is that of one who saw the Persian soldier in action, and whose testimony cannot be disputed—I mean Eldred Pottinger. He says—

> "Muhammed Sháh's troops were infinitely better soldiers than ours (the Sepoys), and twice as good troops as the Afgháns. The non-success of their efforts was the fault of their Generals. The men worked very well at the trenches, considering they were not trained Sappers, and the practice of their artillery was really superb. They simply wanted Engineers and a General to have proved a most formidable force. It is my firm belief that Muhammed Sháh might have carried the city by assault the very first day that he reached Herat."—[*Kaye's Lives of Indian Officers*, Vol. 2, p. 182.]

The second authority is Sir Justin Shiel, who writes—

> "The Persian soldier is active, energetic, and robust, with immense power of enduring fatigue, privation, and exposure. He is full of intelligence, and seems to have a natural aptitude for a military life. Half-clothed, half-fed, and not even half-paid, he will make marches of twenty-four miles day after day, and when needs be he will extend them to forty miles. He bears cold and heat with equal fortitude..............is full of life and cheerfulness, and has always displayed the most complete submission to his English commanders, for whom he has ever had a special veneration. In the last contest between Persia and Turkey 3,000 or 4,000 Persians of the regular army put to flight 30,000 or 40,000 Turks at Toprah Kalah, between Baizíd and Erzerûm."—[*Sheil's Persia*, p. 382.]

Having indicated the desirableness of a change of policy as regards Persia, and of non-interference with her territorial claims, I must make one exception, and that is as regards the dominions of our faithful ally, the Khan of Kelát. Sir, it is now thirty years since we acknowledged the independence of Kelát, and entered into an alliance with its ruler as with an independent Prince. I may say that I drew the first Memorandum for the first Treaty myself. Ever since then the Khans of Kelát have been our faithful allies, and I think their country may fairly be regarded as an integral part of India. Indian names of places still remain in it. The Hindus go in multitudes on pilgrimage to Hingláj, which is within its limits. We have a special interest in protecting Kelát, as it forms the frontier of Sindh, and we have already some small military posts in it, as well as our telegraphic stations. I think, therefore, that we ought to interpose our good offices to put an end to the war which is now carried on between the Persians and Kelatís along their frontier. In order to remove all ground for quarrel a Boundary Commission should be appointed under our mediation, which would settle the line of demarcation once and for ever, all the way from the Makran coast to Quettah. Should it be acceptable to the Khan of Kelát, I would also move up all the Sindh horse, except half a regiment, to Quettah, and even locate with them the European regiment now at Karachí. This is a measure recommended by that great military genius, General Jacob, and by many other authorities. The climate of Quettah is infinitely preferable to that of Sindh for Europeans, and by the move we should have the control of the Bolan and Khojuk passes. The Bolan might be made absolutely secure by the yearly expenditure of half the sum we paid as subsidy to Dost Muhammed. The only objection I have heard to this step is that it would give umbrage to the Affgháns. But why should the Affghans, who submit so quietly to our appropriation of a large part of what is really Affghán territory—I mean Pesháwar—take umbrage at our fixing an additional post in a country which is entirely independent of them! The truth is, the objection is worse than ridiculous—it is false. The Affghans do not object, and Saiyid Nur Muhammed, the present Prime Minister of Kábul, when he resided for some months at Quettah, used, while deprecating our so much as sending a single officer to Kábul, to recommend our occupation of Quettah. With a change of policy towards Persia, I would urge, as a first step, the transference of the superintendence of our relations with that country from the Foreign to the India Office. At present there is a conflict of authority, the officers in one part of Persia being under one Department, and in another part under another. This is extremely detrimental to the public interests, and productive of delays and embarrassments. Then, without in the least depreciating the great merit and ability of the officials at the Foreign Office, I must say that they cannot possibly know so much of Persian affairs as men like Sir Henry Rawlinson, Sir Bartle Frere, Lord Lawrence, and others, who are, or have been, Members of the Council of India. Indian officers, too, are more fitted for employment in Persia than the regular diplomatic *attachés*, who pine for Paris and Vienna, and are only anxious to get away from Teherán as soon as possible. It is mainly with regard to Indian interests that our Legation at Teherán is so important. Indian trade with the Persian Gulf alone amounts to £5,000,000, and it is on that account that India defrays the greater part of the expenses of the Legation, and would, no doubt, willingly defray all. Therefore, as the India Office pays for the Legation, it ought to have the control of affairs. The Electric Telegraph, with all the officers attached to it, is now under the India Office; and if it be true, as I hope may be the case, that there is a prospect that English officers will be again sent to Persia to instruct the Sháh's army, they would most probably be under the India Office. The hon. Gentleman concluded by asking the Under Secretary of State for India, If he has received any recent Despatches as to Central Asia, and whether he has any objection to lay them upon the Table?

SIR CHARLES WINGFIELD said, that as regarded the policy of this country in view of the present position and presumed designs of Russia in Central Asia, two divisions of opinion were entertained—the one representing the policy of action, the other that of inaction; in other words, intervention and non-intervention. The idea of advancing our troops into Affghanistan and taking up strategical positions would be utterly repudiated in this country, and had even fallen out of favour in India; but, generally speaking, the policy of action might be described as one leading us to enter into close alliance with Affghanistan, with the view of creating, on the one hand, an independent power to hold Russia in check, and, on the other, entering into negotiations with Russia to induce her to refrain from aggression, and to guarantee the neutrality of Affghanistan. Neither of these measures recommended themselves to his judgment. As regarded Affghanistan itself there never had been—at all events for a time long past—a settled government in that country. It was true that Dost Mahommed secured supreme authority, but he could not transmit it to his son. He (Sir Charles Wingfield) did not believe that the whole military power of Affghanistan, even in the hands of one man, could hold Russia in check. Nothing short of sending our armies into that country would avail if Russia was bent on conquest. Neither did he see any chance of arriving at a satisfactory result by entering into negotiations with Russia to limit her conquests. How could they ask Russia to do so when they did not propose to give up anything themselves. She might also answer that she desired no extension of territory, although she might be compelled to take more in order to keep what she had. He would attach no value to the disclaimer of Russia with respect to interfering in Affghanistan, because she was not in a position to do so, and would not be in a position to do so for some time; and no power could bind posterity. He quite agreed with Sir Henry Rawlinson that we were "strong enough in India to hold our own." Those who advocated the policy of inaction alleged that Russia had no temptation to interefere with Affghanistan, and that, if she entertained so wild an idea as that of invading India, we should be in a better position to meet her if we kept within our own territory. The policy of inaction was, he believed, the right one for us to pursue, and the adoption of any other would be likely to precipitate a collision. The policy which he advocated was that which was pursued by Lord Lawrence up to the close of his viceroyalty, although he could scarcely reconcile with it his treatment of the Ameer. For some years after the death of Dost Mahommed the policy of non-intervention was strictly adhered to, but last year Shere Ali renewed the contest, and obtained some advantages, and Shere Ali then sought the assistance of this country, and Lord Lawrence, after repeated solicitations, at last resolved to give him some aid for the purpose of affording him a chance of recovering his power, and he sent the Ameer a present of money and arms, but declined to enter into a treaty. He promised, however, further assistance from time to time, as the conduct of Shere Ali might deserve. The House was aware that Shere Ali had since met Lord Mayo at Umballah, and received from him a sum of £60,000, in addition to the previous sum of £60,000, and a battery of guns. He thought this was a departure from the policy which Lord Lawrence had followed so long, notwithstanding much pressure, of leaving the Affghans to settle their own differences. What was a gift of money and arms to Shere Ali but taking a side in the struggles of the contending parties? Besides which this might be regarded as an earnest of future assistance, and of something very like a subsidy. There was one thing that might be confidently relied on, which was that when this money was gone Shere Ali would want more, and that if he did get it his dissatisfaction would be greater than if the money was refused from the first. It may be said that his father Dost Mahomed had received aid from the Government of India. But there was a very material difference between the positions of the father and the son, because the former was undisputed ruler of Affghanistan, while Shere Ali was hardly able to hold his own. The position of an Affghan ruler was always precarious, and if Shere Ali were to lose his life or his throne, it might be deemed necessary to take the country under our direction. This gift of money would not secure the friendship of the Affghan people, who were notoriously treacherous, and would take our money and Russian money too. But the loss of the money would be the least loss; the probability was this gift of ours would give rise to intrigues on the part of Russia, who, seeing our policy, would set up a candidate of her own for the throne of Affghanistan. This was a subject on which feeling was very strong in Russia, as the columns of the *Moscow Gazette* sufficiently proved. The Press of England had been studiously moderate on the recent interview between the Ameer and the Viceroy, but the Press of India had flourished it as a great diplomatic triumph gained over Russia, and a proof that the policy of non-intervention was at an end. The policy of non-intervention which he approved of might not be the right one. It might be right to rise up a strong power in Affghanistan to oppose Russia; but let us not delude ourselves into the belief that this was a policy of non-intervention, and embark this country in relations with Affghanistan which might prove highly embarrassing, and a source of future difference and difficulties with Russia. He did not believe that Russia had any hostile intentions against Affghanistan—if she adopted any policy of aggression it would be by way of Herat and Candahar. He did not regard the extension of Russia's conquests as at all menacing to this country. On the other hand he saw one material advantage which might be derived from it, and that was the establishment of a Christian power in Central Asia, especially in Bokhara, which had been the hotbed of Mahomedan bigotry. It might have a depressing effect on Mahomedan fanaticism in our own territories, and every one must wish to see the surrounding peoples relieved from that religious and political despotism under which they had so long suffered. In his opinion we were very apt to exaggerate the effect produced on the native mind of of India by the advance of Russia. He did not believe that her advance was viewed with satisfaction by any except the low Mahomedan population of the towns and those classes who looked forward to the gratification of their predatory tastes. But these persons were, happily, diminishing. We must finish the railway from Peshawur connecting the Ghaut between Mooltan and Hyderabad, and construct a railway between Delhi and Bombay; and then, with the mountain barrier and river on our front, and the railways open on our rear, we might feel confident of being able to put down any aggression in India. He was quite in favour of cultivating friendly relations with Persia, but not of an aggressive alliance. He thought the Persian Embassy should be placed in a different position, and, men, such as Sir Henry

Rawlinson should be got, instead of men whose tastes led them to look to Berlin or Paris. After all, the real security for the maintenance of our rule in India was a just and liberal system of administration. Not merely that which promoted the material prosperity of the masses—for in that the Government had not been wanting during the last twenty years—but a system that would give an opening in the public service for the upper and educated classes of India, and by associating them with us in the administration of the country would make them feel that their interests and our own were identical. The natives knew well the alternative was not between English and national rule; and the policy he recommended was that laid down by the late Lord Canning, whose memory would always be held in respect and veneration, since he was magnanimous in the hour of triumph, and generous in all his dealings. That policy was to show the people of India that although the reins of government were not in their hands it was carried on exclusively for their good, and that it was to their interest to continue the loyal subjects of Her Majesty. If we could insure Governors General in India such as Lord Canning, whom every chief in the country was ready to give his life to defend, there would be no fear of our future in the East. In conclusion, he would observe that the discussion would show that the House deprecated any course of policy which would oblige us to support any dynasty in Affghanistan; it would do much good in allaying the fears of our countrymen, and in showing that we were confident in our ability to repeal aggression from whatever quarter it should come, and that we could afford to look calmly on the progress of Russia in her work of civilization in Central Asia.

MR. GRANT DUFF said, he was glad that his hon. Friend the Member for Penryn (Mr. Eastwick), whose connection both with the literature and politics of the East was well known, and whose courtesy and kindness in twice postponing this Question at the request of Government he had to acknowledge, had at last succeeded in bringing it before the House. And yet the first idea which struck him when he heard that he proposed doing so was that since the end of last Session the Legislature had been deprived of the services of the two men who were better fitted than any others to enlighten it upon all that relates to Central Asia. The long experience of Sir Henry Rawlinson—gone from the House of Commons—had been gained, he was happy to say, to the Indian Council; but the vast knowledge and the many gifts of Lord Strangford were lost for ever to his friends and to his country. His hon. Friend had, as was to be expected, devoted a considerable part of his speech to our relations with Persia. Against the practical conclusions at which he had arrived he had little to advance. He was as anxious as the hon. Member could be that we should keep, not only on amicable but even upon cordial terms with the Government of the Shah; but he wished it to be distinctly understood that in advocating close relations with Persia, he was guided chiefly by the following considerations:—Firstly, it seemed desirable that we should support that Government from motives of good neighbourhood, and because it was the obvious interest of a country situated like Great Britain that every civilization should develop itself in its own way. Secondly, it was desirable that we should be acceptable to and influential at Teheran, in order that we might work in the interests of peace. When Persia quarrelled with Turkey or with Russia we suffered more or less; when she quarrelled with the small potentates of the Gulf we suffered more or less; but when she quarrelled with the Affghans or Beloochistan it was *proximus ardet Ucalegon*, and we were put to infinite expense and inconvenience in ordering out the fire-engines. Thirdly, it was desirable that we should be strong at Teheran, in in order that we might give all possible support to the material development of the country. The trade between Persia and India was already considerable, but he was assured by those most intimately acquainted with its details that it was not likely to increase until better roads were made from the interior to the seaboard of Persia. For this and many other good things for that country nothing was wanted but external peace, internal strong government, and the counsel and support of a thoroughly disinterested and highly civilized Power. His hon. Friend was in favour of lending Indian officers to drill the armies of the Shah. There were many precedents for this; and if in these times of peace redundant officers could be spared from India, and if Persia would make it worth the while of officers who would do our Army credit, to go thither, he saw no reason against letting them go, provided always it was distinctly understood that they were only allowed to go in consequence of a direct application from the Shah, and that they were not allowed to take part in any war against Powers with which this country was at peace. With regard to the affairs of Seistan, very few persons could claim to be as well informed as his hon. Friend; but was not the state of things pretty much this? From 1509 to 1749 Seistan was Persian territory, but about that date it was added to the new kingdom of Affghanistan by Ahmed Shah. During his reign, which was a long one, it remained subject to Affghanistan. Then it revolted and remained for a considerable period independent; and independent it was when Captain Christie travelled through it in 1810. Persia took advantage of the English invasion of Affghanistan to put forth her long dormant pretentions to it, and, in 1853, the Persian standard was hoisted with the goodwill of, at least, one of its chiefs. From that time to this there had been a Persian party and an Affghan party, who had struggled together with various fortunes. Her Majesty's Government had not, so far as he knew, ever given a very positive and final opinion as to which of the two Powers had the best claims on the disputed territory, nor, indeed, as to whether either Power was *de jure* master of Seistan, and he did not feel justified in saying anything positive on the subject. His hon. Friend had spoken of the importance of Herat. No one who knew the facts would underrate its importance, and Her Majesty's Government had certainly never done so. It was a great, and in the hands of a European Power might become a unique fortress, and it was surrounded by a very fertile country where an army might encamp, and whence it might, no doubt, advance towards Scinde. It was, however, possible to over-rate as well as to under-rate, not the importance of Herat as a place for a conqueror to hold, with a view to be strong in Western Asia, but its special importance with regard to us. It should not be forgotten that from Herat to the Indus there were 818 miles, and, reflecting on what an army would have to go through when advancing from Herat to our territory, he was reminded of the words of the poet—

> "But many a banner shall be torn,
> And many a knight to earth be borne,
> And many a sheaf of arrows spent,
> Ere Scotland's King shall cross the Trent.

His hon. Friend spoke of the advantage to Persia of possessing Herat, in order to defend her frontier against Turcoman raids. He agreed with him as to the object, for there were few human beings whose lot was more to be compassionated than those unfortunate Persians who were carried off by the Turcomans to the slave market of Khiva, but he demurred to the Persian theory as to the way in which it was to be effected. What Persia wanted for the protection of her people against the Turcomans was not Herat, but a strong Government and an effective military administration on her frontier. He could not agree with his hon. Friend when he advocated an advance from our side to Quettah. He was persuaded that an advance to Quettah would be very far from being really agreeable to Khelat, while it could not fail to irritate both Persia and Affghanistan, and wake up old fears of annexation. Looking at it from the English point of view, it would be frightfully expensive, and very unpopular in the army when the first novelty was over. It would involve throwing a considerable force, 257 miles—say, twenty long marches—in advance of our present frontier posts, and it would turn the Bolan Pass into a difficulty behind us, instead of leaving it as it is—a defence in front of us. Our relations with Russia were at present of the most cordial kind, and the communications which had lately passed between the two Governments with regard to Central Asia—communications to which undue importance had been attached—had been most friendly. He had always been an advocate for the co-operative policy in the relations of England and Russia in Asia, but that was a question for the future. It was early to talk of anything more than the most general good understanding. We were still separated from each other by vast distances, and the orbits of our policies did not yet touch. There were, however, some matters of fact with respect to the Russian position in Asia which were not sufficiently known, and which ought to be known before a just idea could be formed of the present state of things in Central Asia. And first he would give the most positive denial to three stories which had been frequently repeated. It had been said that the Russians were in force at Charjui, on the Oxus. It was not so. The Russians had never been within many days' march of Charjui. It had been said that the Russians had established a post at Gumah, between Yarkand and Khoten. It was not so. They had never been within some hundred miles of that place. It had been said that a Captain Reinthal had been with a party surveying in Affghanistan; that was a fiction, founded upon his having been—not with a surveying party—at Kashgar, so that the tale had about as much foundation as if it had been noised abroad that a Russian officer with a surveying party had been examining the Chiltern hills, whereas in deed and in truth the Russian officer in question had been at Galway. The two furthest points to which the Russians had penetrated in the Khanate of Bokhara were Bokhara itself and Karshi, which last place they took from the Ameer's rebel son and restored to his father. From both these points they had now fallen back, and it would appear that their outposts at present were Samarcand and two smaller places not very far from it. He should not be at all surprised if they even withdrew from Samarcand, at least for a time, for Samarcand was cut off from the Jaxartes by a desert tract very difficult to traverse. It was far from improbable that they might place for a time their advance post at Khodjend, far in the rear of their present advanced posts, a place from which they would still be able to dictate both to Khokan and Bokhara. Samarcand might be taken as, to all intents and purposes, the extreme point of Russian advance towards British India on the Affghanistan side for some time to come. Their furthest point of advance towards British India, on the side of Eastern Turkestan, was a small detached fort on the Naryn—that was, on the head waters of the great Jaxartes, far, far away from any support, so far away as really not to be an advanced post, in the ordinary sense, at all. Persons who looked at the map of Central Asia and knew that the Russians were at Samarcand, and that they had also an outpost only 167 miles from Kashgar, high up on the Naryn, very naturally concluded that these two extreme points of their advance towards Affghanistan and Cashmere were connected with each other. But this was as far as possible from being the case. The whole independent part of the Khanate of Khokan lay between these points of advance, and in addition there was a huge mountain knot of hardly peopled country. Roughly stated the position was this—Suppose some Power advancing from the north towards Italy. Let it have one body of men, say 2,000 strong, at Clermont, in the heart of Auvergne. Let it have another body of men, say 1,000 strong at Zurich, in Switzerland, and let the military connection of this body of 1,000 men be kept up with Clermont only by a route leading round through Southern Germany to a point to the north of the Lake of Constance, say Augsburg, and so southward to Zurich by Constance. That was about the state of affairs if, instead of Clermont, Zurich, and Augsburg, you read Samarcand, the outpost of Kurtka, and Fort Vernoe, the most southern point in which the Russians are in anything like strength in the direction of Cashmere, from which it is separated by many hundreds of miles, and by some of the most difficult country on the face of the earth. And there was this difference between the European and Asiatic regions which he was comparing — in France, Germany, and Switzerland there were good roads, in Central Asia there were none. In all the huge province to which was lately given the name of Eastern Turkestan, and of which one centre was at Samarcand and the other at Fort Vernoe, the Russians might have on a liberal computation some 25,000 men, for the most part scattered in lonely posts engaged in keeping up communications. Transfer the scene again to Europe. Would the existence of such a force between Clermont and Augsburg, with its reservoir of strength 1,800 miles to the north-west of Clermont—that is, far in the Atlantic behind the British Isles—be sufficient to frighten the holders of the Venetian Quadrilateral out of their propriety? The idea of invasion of British India by Russia was really so preposterous that he could not for a moment entertain it. But suppose for the sake of argument that the whole western half of Northern Asia were occupied, not by the outlying provinces of a great European power, but by a substantive empire which had no cares to distract it from the one thought of pushing southwards. Suppose, again, that the forlorn and far-off towns of Siberia, Orenburg and the rest, were busy and crowded centres of national life, and suppose further that all this national life were directed by a man of vast military ambition who, burning for the battle-fields of British India, had already advanced on the Affghanistan side as far as Samarcand, and on the side of Eastern Turkestan as far as the small fort on the Naryn, which now forms the outpost of Russia in that direction. This conqueror, supposing he marched by Herat, which would be his easiest road, would have, before he reached that fortress, 613 miles to traverse. That is to say, he would have to pass over something very like the space between London and Inverness, and would not in doing so, be able to take advantage of the "limited mail." We need not follow his route from Herat to Candahar, and from Candahar onwards, about 818 miles more, making more than 1,400 in all. Suppose he traversed it with as little loss as could reasonably be expected by an army traversing so vast a distance, the last stage of the journey must be sixty-six miles of the weary Bolan Pass, and behind the Bolan Pass a strip of desert, and behind the strip of desert a large and well-appointed army able to choose exactly its own ground, absolutely fresh and untired, having traversed, with every appliance of modern science, nearly the whole of the distance from which its most far-drawn regiments had come. That was the grand route—incomparably the easiest of all the routes. Take another. Let the supposed invader march from Bokhara to Balkh — 310 miles, from Balkh, through the tremendous Bamian Pass, to Cabul 347 miles, from Cabul to Peshawur about 194 miles more, through the Khyber Pass, and meet behind it the drilled and iron ranks of the same army. • Take a third and last route from Tashkend, across the still independent State of Khokan, and over the Thian Shan mountains, by the Terek Pass, down upon Kashgar; that must be about 477 miles; then, from Kashgar to Yarkand, as the crow flies, must be about 130 miles. From Yarkand a short journey would bring him to that agreeable Pass, of which we had heard so much lately, the Chang-chin-Moo, no doubt less difficult than the old Karakorum route, but for which the best that could be said as a route for an army was that, given every condition of season, skilful commissariat, and the rest as favourable as possible, and imagining that Eastern Turkestan had become absolutely an integral part of the dominions of this great West Asiatic Empire, and, further, was bristling with troops like the Rhenish frontier, it might not be wholly impracticable to a man of the temper of Alexander the Great or Charles XII. Since our relations with Affghanistan had been last alluded to in this House the whole story of our recent policy towards our unruly neighbours beyond the Passes had been told in "another place," very succinctly but very clearly, by the chief mover in that policy. A friend said to him early this Session—"I am sorry you have given that money to Shere Ali; you are only buying the air." Well, if the transaction were to be looked upon as one of sale and purchase, his friend was quite right, but that was just what it was not. Ever since the death of Dost Mahomed the India Government had been longing for something like stability in the affairs of Affghanistan. We had troubles enough with the wild tribes along 800 miles of our North-Western frontier, with whom our relations were precisely those which existed in the days of James V. between the Lowlanders and Highlanders of Scotland, without having behind us this surging, raging Affghanistan, out of which no one could know what form of trouble might not arise. Those who had followed the tangled story of the events which had occurred there in the last few years knew perfectly well that what the Viceroy was always wishing for was some prospect of prolonged peace. This was the burden of all his communications, and in consequence he did not scruple to recognize Afzul Khan as *de facto* ruler, although his sympathies, so far as he can be said to have had any sympathies in the matter other than a sympathy for quiet, were with Shere Ali, who was the favourite son of Dost Mahomed, and was first recognized by us. It was not till last October that Lord Lawrence thought the mobile minds of the Affghan people had at last turned distinctly towards Shere Ali, and that he was really likely to obtain such an amount of support as to enable him to hold the country in his grasp as his father had held it, and then it was Lord Lawrence determined to give that amount of assistance which would, in his opinion, just make the difference between Shere Ali's having a thoroughly assured and a doubtful supremacy. People had written as if he had been moved to do so by some apprehension about Russia, but that was utterly opposed to the fact. If they could go back to 1730, when Russia first began that long march of conquest —and, he would add, of beneficent conquest—which had taken her from the banks of the Ural to Bokhara, a wise ruler of India would—given the existing circumstances of Affghanistan — have done the same. To have plunged into the seething gulf of Affghan politics only a few months before would have been most unwise; but Lord Lawrence seized the favourable moment, when a little assistance might be expected to act as oil had been said to do at the bar of the Tagus, and turn the seething gulf into calm water. The Government did not dream of erecting Shere Ali into a bulwark against Russia or against anybody else. If any bulwark was wanted in that part of the world, nature had planted bulwarks enough in all conscience, as we once found out to our cost, and as anybody else would soon find out to theirs. What was wanted was a quiet Affghanistan, just as we wanted a quiet Burmah. The Government wanted to be able to use every penny they could scrape together in India for the moral and material development of the country. They wished to stimulate commerce round the whole of the land and sea frontier, and it did not at all suit to have one of their trade gates locked up by a burning house, the cellars of which were known to be full of highly explosive compounds. They wanted Shere Ali to be strong for the suppression of lawlessness, and rich, if possible, into the bargain. They wanted him to understand that they did not covet a square inch of his territory or ask any kind of assistance from him, other than the sort of indirect assistance which a civilized Government must always derive from being known to exercise a pacifying and semi-civilizing influence around its own borders. If they effected this object, the money they had given, and the money they might give, would be an uncommonly good investment. It would be honourable to Shere Ali to receive it, because he was asked to do nothing for it except what it would be to his interest and honour to do if he did not receive one farthing; and it would be honourable to them to give it, because their only object was to get that done which every benevolent man would wish to see done, even if his own interest were in no way affected—that was to see a fine country rescued from miserable anarchy. The experience of the past in India told us that we were never safer than when a strong man kept his house on our frontier. The danger came when the strong man was gone, and the house was divided against itself. Contrast the period of Runjeet Singh with the period that immediately followed it. Was it in the days of the old Lion or in the days of his weak successors that wave after wave of war broke upon our border, until we were obliged fairly to incorporate with our dominions a territory as large as the kingdom of Italy? Did our last experiment of making it worth while for the Affghans to be peaceable neighbours turn out so badly? If Dost Mahomed had not been eating our salt in 1867, was it quite so certain that he would have resisted the pressure, the very strong pressure, that was put upon him by the fanatical party at Cabul to swoop down upon the Punjaub? It was the custom to talk scornfully of Affghan faith as another great Imperial nation used to talk of Punic faith, and probably, in the main, we spoke truly; but if the transactions of the last forty years between us and the house of Dost Mahomed were carefully added up and compared, he was not so sure that the balance in our favour would be so great as it ought to be. Before leaving the affairs of Affghanistan there was just one other point to which he alluded a moment ago, and on which he wished to say a few words more. He did not think that the majority of their countrymen rightly apprehended our position in North-Western India. They thought of us as in immediate contact with Affghanistan, and when they heard of our wishing to be on good terms with that country, they thought that it could only be because we wished for assistance against the Muscovite spectre that was moving slowly southwards. But that was a pure delusion. Between us and the Affghans proper there was an inner ring of wild tribes, numbering many thousand fighting men, who gave us infinite trouble, and against whom we had every few months some little fighting to do. From time to time the little fighting became great fighting, and we had a really serious campaign like that of Umbeyla, in 1863. Now, as long as we were on thoroughly good terms with the Affghans, we exercised a far greater check over these people than we could do at other times, and we paralyzed the efforts of the disaffected Mussulman fanatics in the Ganges valley who were in communication with some of them, and used their known zeal for Islam as a means of exciting disquiet among our own subjects. He desired to say one word about the Umballah interview. He saw that some very able writers in India imagined that that was the starting point of a new policy. He could not too emphatically deny that. There was no new policy. Circumstances in Affghanistan had changed; the spirit in which the Government regarded them had not changed. The policy of Her Majesty's Government with reference to Central Asia, in so far as it was connected with India, might be thus summed up—First, they desired to live on the best possible terms with all their neighbours, by which he meant that they desired not only to do no harm to them, but that each one of them should not only be but feel himself the stronger and happier for being in contact with Her Majesty's Indian Empire. Secondly, they intended to strengthen, in every possible way, our North-Western frontier they intended to make, and were making, Kurrachee as good a port as modern engineering science could make it; they looked forward to the completion, at no very distant period, of the missing link of railway in the Indus valley; they were already pushing the railway onwards towards Peshawur. Thirdly, they meant to give every reasonable encouragement to the extension of trade with Central Asia, which was at present small; and they looked with considerable favour upon the efforts that were being made by Mr. Forsyth and other energetic officers on the frontier to extend that trade. They were extremely glad to observe that in this matter the Maharajah of Cashmere and his able Prime Minister were acting thoroughly with us, and they would look with the most friendly feelings on any judicious and not too ambitious efforts that might be made to increase our knowledge of the countries to the north-west as well as to the north-east and east of our dominions. It was, perhaps, not altogether creditable to Great Britain that the geographer should have any work still to do so near British territory, but the difficulties had been and were still great, and considering how recent an acquisition the Punjaub after all was, we might, he hoped, plead not unsuccessfully before the science of Europe the *res dura* and the *regni novitas.* Lastly, they were firmly persuaded that if we could believe in the possibility of any danger from the side of Central Asia threatening us at present in India —if, in short, that great, substantive, conquering empire of which he had spoken a little time ago did exist and were not a mere fiction of the brain, and even if there were a Napoleon at the head of it—our best protection, a better protection even than the vast spaces which a hostile army would have to traverse, or than the strength which that hostile army would have to meet, lay and would ever lie in the good government of India, in the development of the material prosperity and general well-being of the people. They believed that their first duty was to take care that our rule there should be increasingly sympathetic as well as increasingly enlightened, and while they would crush and stamp out every, the slightest, attempt at resistance to authority, they would not forget that authority in India, as in Europe, had sometimes "beat with his staff the child that might have led him." By these arts, they believed, if by any, empire would be deserved and would be held; and while they would watch and were watching with the deepest and minutest interest the development of events in Central Asia, and while they would thank the hon. Gentlemen who had spoken that night, and any other hon. Gentlemen, for giving them from time to time the benefit of any information which they might have, or any ideas that might occur to them, they wished it to be distinctly understood that they had not a feeling of uneasiness or alarm about this matter. And the fact that Russia had advanced to a point between Samarcand and Bokhara had not induced them to do any one thing which they would not have the strongest motives for doing if she had never passed a verst beyond the Ural or the Orenburg line. With regard to the Papers for which his hon. Friend had moved, he thought the Government could give him nearly all of them except the last; but his hon. Friend's long official and diplomatic experience would tell him that it might turn out that when the Papers for which he asked were examined, certain passages might have to be omitted. He could assure him, however, and the House, that he was anxious to give everything he could possibly give without inconvenience to the public service.

SIR STAFFORD NORTHCOTE said, he thought the House would not regret the time that had been bestowed upon the discussion of this subject, especially when they considered the character of the three speeches to which they had had the privilege of listening, coming, as they did, from Gentlemen well acquainted with the subject, and approaching it as they had done from different points of view, and illustrating in a remarkable manner the points on which all agreed, and indicating in a very inoffensive manner the points on which there was considerable difference of opinion. He could not but feel that with regard to this very great and important question, as touching the Imperial interests of England, of all things the most to be deprecated was a policy of mystery. He rejoiced that the hon. Member for Falmouth (Mr. Eastwick) had been able to obtain a night for this discussion, because he knew that there existed an unfortunate impression in many quarters, to the effect that there was some disposition on the part of Parliament to put this matter aside as if there were in it something dangerous and inconvenient to discuss. Now, he was perfectly convinced that when the result of that debate came to be known to the public a very excellent impression would be produced, because it would be evident that the matter would be treated frankly, and that there was no desire to conceal anything. This discussion, too, ought to do a great deal of good in clearing up the differences and jealousies that many people supposed to exist; and though this was a source of satisfaction to him, he rejoiced still more at the clearing away of any mystery for the sake of the people of India; for he was well aware that there were many persons who busied themselves in India in spreading rumours and getting up suspicions, as if there were something behind the scenes which it was dangerous to discuss. After listening to the speech of his hon. Friend the Member for Falmouth, approaching the question from a Persian point of view, after listening to the speech of the hon. Member for Gravesend (Sir Charles Wingfield), approaching it, as he did, with some jealousy of what had occurred with regard to our relations in India and Affghanistan, and after listening to the eminently judicious and satisfactory speech of the hon. Gentleman the Under Secretary of State for India, he believed that those speeches were calculated to do great good in Russia, in India, and perhaps even in this country. When he heard that the House was asked to discuss the policy of England in Central Asia he was tempted to say that the only answer we could give was that England had no policy in Central Asia. In point of fact, we ought not to have a Central Asian policy. It ought to be an Indian policy. We had enough in our hands with the management of our own interests. And, however interesting the questions connected with the development and civilization of those regions might be, he did not feel that the policy of England ought to be directed to the condition of those countries; but should be influenced mainly by a consideration of the interests of our own Indian Empire. And looking at it from an Indian point of view, this debate had been eminently satisfactory, both in the opinions that had been expressed and the opinions that had not been expressed. There had been no advocacy of a policy of annexation, of a policy of extending the British dominions, or of a policy of advancing in order to meet Russia midway between our frontier and theirs. The general feeling evidently was in favour of the policy of keeping within our own frontiers—of developing the internal defences, extending the existing railways, and improving the harbour of Kurrachee, rather than attempting to go into the country of Affghanistan. In addition to the other reasons which might be stated against such a proceeding as the latter, there was the danger of creating suspicion in the minds of the natives. He believed the hon. Member for Gravesend had given expression to the feelings of Englishmen of all parties, when he said that we ought to keep free from the imbroglio of Affghan policy. There was a general feeling that we ought not to repeat the mistakes we made in 1840; that we ought to keep ourselves entirely free from entangling alliances. What we should do was to maintain friendly relations with the natives on our borders, to desire the existence of a good Government in Affghanistan. It was a misapprehension to suppose that we wanted to erect Cabul into a bulwark against Russia. What we desired was that there should be peace on our frontiers, and that the States bordering on those frontiers should be well governed in themselves. Any disquiet in a Mahomedan State on our border must necessarily affect a Mahomedan population within our own frontiers. He believed that the advance of Russia had been to a great extent forced on her by the circumstances in which she had been placed. She had found herself constantly in contact with countries in a state of anarchy, and for that reason it became necessary for her to make incursions into those countries. If we wished to give Russia an excuse to go into Affghanistan, we should let that country fall into a state of anarchy; but we were doing what we could to strengthen the ruler of Cabul. There seemed every prospect that he would be successful in maintaining a strong Government; but there was no engagement on our part to support his dynasty. If Shere Ali could support himself, well and good. As long as he did so the British Government would maintain friendly relations with him. We had made him presents in order to assist him in governing his country, and the same thing might be done from time to time; but Shere Ali must manage his own affairs, for we would not enter into an imbroglio in the affairs of Affghanistan. We must do nothing that would outrage the feelings of any of our European neighbours, and, in respect of commercial matters, we must remember that grave dangers might arise from pressing forward the trading interests of British merchants with too great rapidity. Whatever reliance was to be placed on harbours and railways, he attached still greater importance to the respecting of the rights of the independent States that yet remained in India, and to the giving educated natives a fair share in the administration of the affairs of their own country. If that policy were steadily pursued the period of our rule in India would, he believed, be prolonged and prosperous. He knew that the question of connecting the Persian Embassy with the India Office had been repeatedly brought under the notice of the Government, and he was aware that there had been a difference of opinion on the point between the Foreign Office and the India Office. His own opinion was that the balance of advantages was in favour of connecting the Embassy with the latter Department.

Mr. GLADSTONE: Sir, in answer to the remark made by my right hon. Friend (Sir Stafford Northcote) at the conclusion of his speech, I wish to say that Her Majesty's Government have come to no conclusion adverse to the opinion which he has expressed. Indeed, no conclusion has as yet been arrived at. With reference to this debate, I agree with my right hon. Friend that its general tone has been favourable and advantageous. I think it will tend to propagate in the public mind of this and other countries the impression, which I hope is a just and true one,—namely, that the policy of England in India, and in the East generally, is to exercise her great powers for the benefit of those over whom she rules, and on principles of equity and good-will to those beyond our own frontiers. I hope the tendency of the debate will be to impart confidence and tranquillity to the public mind at home, and to disabuse it of a natural, but at the same time, inconvenient, susceptibility. There are only two things I wish to add to the very able statement made by my hon. Friend the Under Secretary of State for Foreign Affairs. In the first place, I am able to confirm what has been said by my right hon. Friend opposite (Sir Stafford Northcote), that the recent transactions between the representatives of the British Government and the Ameer of Cabul involve us in no engagements. What they have done can have no binding effect in determining the future policy or proceedings of England, or in causing her to depart in the slightest degree—either by exceeding or by falling short—from that which the circumstances and the policy of the moment may appear from time to time to demand. The principle laid down with perfect truth is not that a political object properly so called with reference to a third Power should be sought, but that we are to promote peace, contentment, and good government, if possible, in a country neighbouring to our own. And I wish also to state, with respect to Russia, that communications have recently passed as well as at former times, between the Government of Her Majesty and that of the Emperor of Russia on the subject of the progress made by Russia in Central Asia. We have not conceived that anything has occurred on the part of that Power which has given us any title to complain; and the tone of those communications on the part of the Russian Government have been altogether friendly. More has been projected on the part of that Government — perhaps in some degree echoing back an opinion that had unofficially fallen at a certain period from my noble Friend the present Secretary of State for Foreign Affairs—the idea that it might be for the convenience of both countries and for the general advantage if it were understood that between that portion of Central Asia in which Russia exercises influence and the territories in which we hold a dominion, there was interposed a neutral zone in which there should be no contact, and therefore no rivalry, between the action of those two Powers. And the Russian Government has itself stated with reference to Affghanistan—a name to which they have not given any precise geographical definition, and therefore I am not authorized to assign to it — that Affghanistan ought to be regarded as a region lying beyond the range of Russian influence. There is nothing in those communications of a nature approaching to a mutual engagement or agreement, nor have they arrived at anything which can be called a conclusion. But the House will, I think, be of opinion that the spirit manifested on both sides and the suggestion in respect to interposing a neutral zone between the dominions of the two Powers are an indication that both Governments are sensible of the desirableness of harmony in their action, and wish to avoid anything that would disturb the public mind or would create apprehension of future danger or mischief. I was desirous to make these two statements to the House; and I need not, with any further remarks, detain the House from the other business of the evening.

## PARLIAMENT—THE LADIES' GALLERY.

### RESOLUTION.

MR. H. A. HERBERT said, he rose to move —"That, in the opinion of this House, the grating in front of the Ladies' Gallery should be removed." He brought that subject forward because, in his own opinion and in that of other hon. Members, the existing accommodation for ladies who wished to listen to their discussions was most inadequate. The First Commissioner of Works had declined to take upon himself the responsibility of removing the grating which obstructed the view from the Ladies' Gallery. He, therefore, wished to test the opinion of the House upon that question, more especially as that was a Reformed House of Commons, in which the matter had not been previously discussed. The Ladies' Gallery was divided into three parts. The first part was properly and rightly given up to the Speaker. Behind it was a very comfortable tea-room, with which, however, they had nothing to do. Then there was the part which was assigned to the wives, daughters, and friends of Members, and which comprised the remaining two-thirds of the Gallery. The Gallery was very dark, very hot, and very low-roofed. The temperature there was always nearly four degrees higher than in the rest of the House. [*Laughter.*] It was all very well for hon. Gentlemen to laugh, but they were there for their pleasure, while the ladies came to listen to them; and it was a very poor compliment to the ladies to put them in a place in which they were to be confined —in what had been called a chamber of horrors, where they had to breathe the air that passed through all the lungs of the House. All that was really a disgrace in this age of civilization. If the ladies wanted tea or any refreshment they could only get it in the small room of the door-keeper, who was obliged to go out, so that if any "row" took place in the Gallery, he was not there to suppress it. It was but the other day that complaints were made by the reporters of a noise in the Ladies' Gallery; but this would not have happened if the ladies had a proper tea-room. It was said that the ladies would fidget about, would applaud, and would attract the attention of hon. Members. But no one could have witnessed the recent great debate in the House of Lords without observing how quiet was the demeanour of the large number of ladies who were in the Galleries. The throng of beauty did not attract the attention of noble Lords in the other House, where the ladies were accommodated with seats in which they could see and hear comfortably. No inconvenience was experienced by speakers in the other House from the presence of ladies, neither, he was convinced, would any be experienced by speakers in that House. He agreed with what Lord Palmerston said—that if the Gallery were once opened, in a week hon. Members would forget there was a Gallery. Better accommodation should be provided for ladies in that House. He begged to move the Resolution.

Mr. A. JOHNSTON, in seconding the Motion, said, it had been objected by some that the presence of the ladies in the House under circumstances in which they could be seen would set the hearts of speakers fluttering and palpitating; but he asked whether they could really lay their hands on their hearts and say that when they rose to address the House they ever gave a thought to the presence of the ladies? He had, indeed, heard of an hon. Member who said he never got up to speak without casting a propitiatory glance at the Ladies' Gallery; but that hon. Member had now been removed to another, and, he hoped, a better place. That noble Lord had spoken frequently in the other House, and the presence of ladies there did not seem to have the slightest effect on his speeches. Thirty-five years ago it was said that the debates would be much longer if ladies were admitted to listen to the debates, because hon. Members would speak who did not speak before; but the answer given was that the debates would be much shorter, because Members who then talked very uselessly would be ashamed to do so in the presence of ladies. Mr. O'Connell said the presence of ladies in the Irish Parliament had been of the greatest advantage, because in former days hospitality was exercised to such an extent that many Members of the Irish House of Commons were in the habit of coming there drunk. The remedy proposed was that ladies should be admitted to the Gallery, and from that time no drunken man ever appeared in the House. Mr. Villiers took a most cautious line, hoping that the matter would be discussed in all the populous towns of the kingdom, and declaring that the question was so complicated that he did not think they could consider it in all its bearings and make up their minds in fewer than three Sessions. Mr. Grantley Berkeley modestly disclaimed ulterior views. Now, his ulterior view was to get rid of this Black Hole of Calcutta into which ladies were put when the House repented of putting them into the "ventilator." He was told by his predecessors of both sexes—[*Laughter*]—by those of a former generation, then, if the House preferred that expression—that in some respects the "ventilator" was better than the present arrangement, because when the debates were dull—if debates there ever were dull—there was an open space in which strangers might walk about and talk with Members of the House. A few strokes of the hammer and chisel would get rid of the grating, and he hoped that the right hon. Gentleman the First Commissioner of Works would give them some assurance that the object in view would be accomplished.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the grating in front of the Ladies' Gallery should be removed,"—(*Mr. Herbert*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BERESFORD HOPE begged the House not to be carried away by the fervent eloquence of the two hon. Gentlemen, and not do that which he believed seriously—and he did not see why the matter should be treated as a joke—would neither be conducive to the dignity of this House or be considerate to the feelings of those for whose professed benefit the Motion was made. The ladies might be comfortable or not with or without a grating, but it was not in good taste to deal with this as a mere matter of fun. The accommodation of the ladies was just as serious a matter as their own, but in behalf of the ladies themselves he must represent that it would be a cruel kindness to take away that barrier. There were two sides to every question, and to a certain extent the grating impeded sight and sound. But ladies were thereby admitted in that recognized yet not too obtrusive position which best conduced to their own comfort. What was the object of a Ladies' Gallery? Was it to enable a certain number of ladies to add one more to the number of evening parties, and come down here in their best dresses, or was it to allow ladies to enjoy one or two hours of rational, intellectual enjoyment in their morning dresses and bonnets, without being molested by impertinent glances? In behalf, therefore, not of a few fashionable ladies, but of the general ladyhood, and of those who really wished to be able to see and understand the working of our constitutional system, he should oppose the Motion. It was a fact that when the late Member for Westminster (Mr. Mill) was urging woman's rights, a high authority asked him whether he would bring his muse to bear on the removal of the grating, and his answer was that if that grating were removed his daughter would never again come to the House. As to the other House, it must not be forgotten that the wives or daughters of Peers were admitted, not by order, but by right, and that was a totally different question from the admission of ladies to this House by entries in a book or by order. He hoped that they were not going to add a flirting lobby to the House. At all events, by throwing down the barrier they would not add to the dignity of the House, and would bestow a cruel kindness on the ladies. If the hon. Member pressed his Motion he would divide the House.

MR. H. B. SAMUELSON said, that perhaps the admission of ladies to the Gallery was not an inapt subject for a maiden speech. He was surprised at the line taken on this subject by the hon. Gentleman who had just sat down. The hon. Gentleman had alluded to the jocular way in which the remarks of the two preceding speakers had been received; but he would beg to remind the hon. Gentleman that the laughter did not come from the advocates but from the opponents of the measure, which had been brought forward in a serious spirit. The hon. Gentleman had said that if the grating were removed many ladies who now visited the Gallery would do so no longer. He disagreed with the hon. Gentleman, and he thought that if the grating were removed it would prevent some subjects from being treated in a manner not at all conducive to the dignity of the House. With regard to the assertion that ladies would not come if the grating were removed, because they would have to appear in evening dress, he did not think that argument applied for a moment, because it was the custom in society for both sexes to appear in full dress or neither. [*Laughter.*] Hon. Gentlemen might laugh, but he believed he was quite correct in what he had stated, and it was no more necessary for a lady to come in full dress than for any hon. Member to appear in evening dress. As to the impertinent glances which, according to the hon. Gentleman, would be directed at the ladies in case they were visible, he did not think it was customary for an assembly of gentlemen to indulge themselves in that manner; and this was not likely to be done in this any more than in the other House of Parliament. The Ladies' Gallery had been called by so high an authority as the Chief Commissioner of Works a "Chamber of Horrors." He thought that was a sufficient reason why some alteration should be made in it. He had frequently been there himself and he had always found that the atmosphere was really unfit for breathing. The grating was, for all practical purposes, perfectly useless, and there could be no earthly reason for not removing it. If his hon. Friend should press the Motion to a division he should certainly vote for it.

MR. LAYARD said, he did not quite gather from the eloquent speech of the hon. Member for Kerry (Mr. H. A. Herbert)—whose interests he advocated in the Motion he had brought forward—whether he wished the grating removed for the advantage of the Members of the House, or in order that those who occupied the Ladies' Gallery might have a better opportunity of witnessing the proceedings of the House. The question naturally divided itself into two parts—what might be convenient to hon. Members and what might be most convenient to those who occupied the Gallery. Now, he had thought it advisable to inform himself as to the real feeling of the ladies, for, after all, that was a matter that ought to be taken into consideration.

And, although he might not have so large an acquaintance with ladies as his hon. Friend (Mr. H. A. Herbert), still he had the pleasure of knowing some; and he had taken the means of ascertaining what was the opinion of the ladies on this subject. Now, he must say the result had been to him most unexpected. He might safely say he had asked at least 200 ladies whether they wished the grating to be removed, and, curiously enough, out of that number only two ladies had stated that they were desirous it should be removed. He had received a letter from a lady, which put the matter so clearly that he thought the best thing he could do would be to read it to the House. The letter was in these words—

> "July 1, 1869.
>
> "My dear Mr. Layard,—I do hope you will exert the weight of your official authority to preserve for us the protection of the grating in front of our Gallery, which some hon. Members, no doubt, prompted by feelings of mistaken kindness, are disposed to remove. I fully appreciate the chivalrous zeal of Mr. Herbert, but if you have an opportunity I hope you will tell him how many more effectual ways there are of defending our cause in Parliament and earning our gratitude. Do not suppose that I mean to say that the Ladies' Gallery could not be improved. The occasional visits we receive from our friends in the House of Commons are too short for them to be able to judge of our sufferings up there, or of the quality of the air which you provide for our lungs. But the removal of the grating would be no remedy; on the contrary, the protection we derive from it enables us to sit as we like, to talk together, to hang up our shawls and bonnets, and dress as we please. These are many advantages, for you know we are compelled to sit quiet not to lose our places while bores are addressing the House. You will not take it amiss, dear Mr. Layard, if I say that there are some bores in the House of Commons. You cannot feel for us, because on these occasions you can go and talk to your friends, and write letters in the library. The grating also enables us to leave the Gallery in the middle of dull speeches, which we would otherwise be compelled to sit out patiently, especially if the orator were an acquaintance, and had obtained our seat for us. And, then, the grating is of enormous advantage to hon. Members themselves, who could not come and stretch, and sleep, and snore as they do immediately below us in the Galleries if they saw that we saw them. And last, but not least, do you not think that a good many ill-natured remarks and suppositions are made impossible by the interposition of this objectionable grating? Who can say now that Mr. —— said so-and-so because Lady —— was in the gallery, or that Sir —— always stammers and breaks down when Miss —— is present?"

Now, there was a great deal of truth in that letter, and he thought the House would take the ladies' view of the matter. But there was one thing which the ladies had a right to expect of the House, and that was that they should improve the Ladies' Gallery as much as possible. He had gone the other day to examine the Gallery, and he confessed with shame that he was shocked at the spectacle that met his view. He went early, thinking the door would be open, but it was closed, and a large number of ladies were sitting on the steps waiting for the Gallery to be opened. That was not a creditable state of things, but after the lesson he had received last night he should be very bold indeed if he ventured on any structural alterations without receiving the direct sanction of the House. What could be done was rather difficult to say. He did not think the removal of the grating would be any advantage to the ladies. On the contrary, from all the information he had received, he believed it would not be considered a favour. But what should be done was to improve the Gallery as much as possible. Neither the accommodation provided nor the ventilation was fit for ladies. How the requisite alterations could best be effected he would endeavour to ascertain during the Recess, but he would not do anything without the full sanction of the House. So much for the ladies' view of this question. With regard to the Gentlemen's view of it, that, of course, must be left to the decision of the House. For himself, he must say he thought the removal of the grating would be no improvement, and he believed a large majority of the House would concur with him in that opinion.

Mr. H. A. HERBERT said, after the remarks made by the Chief Commissioner of Works, he should not call on the House to divide on the subject.

Amendment, by leave, *withdrawn.*

## PARTY PROCESSIONS (IRELAND) ACT.

### QUESTION.

Mr. DOWNING said, he wished to ask the Chief Secretary for Ireland, If the attention of the Government has been called to the report which has appeared in the public Press of a meeting held at Enniskillen on Friday last, at which Mr. John Brien, J. P., D. L., and High Sheriff, presided, described as consisting of between twenty and twenty-five thousand persons, marching with fife and drum bands, playing party tunes, Orange flags flying, and the bells of the church chiming in sympathy with the cheers of the brethren; if so, is it true, and if it is, is it the intention of the Government to remove Mr. Brien from the Commission of the Peace, the Deputy Lieutenancy, and Shrievalty of the county; and to remove Messrs. Madden and Sankey from the Commission of the Peace, they having marched at the head of a procession to said meeting, carrying flags and banners, and accompanied by bands playing party tunes, in violation of the Party Processions Act? The Government of a former day had removed gentlemen from the Commission of the Peace for having become Repealers; and the late Mayor of Cork had been punished in the same manner for having contributed to a charitable object. He would ask the Chief Secretary of Ireland, why the same course of action should not be pursued towards those gentlemen in the North of Ireland who had joined in an open violation of the law and insulted their Roman Catholic fellow-countrymen? If the law in the North of Ireland could not be enforced, because those who were appointed to administer it took part in its open violation, it was the bounden duty of the Executive to apply a remedy.

VISCOUNT CRICHTON said, that as he had the honour to represent the town where the meeting had been held, and as he had taken part in it himself, he wished to be allowed to say a few words before his right hon. Friend should reply. A few days ago, when upon looking by accident at the Notice Paper, he perceived the Question of the hon. Gentleman, he wrote at once to the two magistrates whose conduct had been impugned, and to the High Sheriff of Fermanagh, asking for particulars. That very morning he had received a letter from Mr. Sankey: from the other gentleman he had got no reply, owing probably to absence from home. He admitted that there were Orange emblems at the meeting, that flags were displayed, a few drums beaten, and party tunes played. The meeting consisted of 25,000 people, and he did not know whether it amounted to a breach of the Party Processions Act. He had always thought it the duty of the Orangemen to agitate for the repeal of that Act; but as long as it remained the law, he held it ought to be observed. The hon. Member was altogether under a misapprehension in describing this as an Orange meeting. The high sheriff, in a letter upon the subject of the Question, described the meeting as having been called to consider the Irish Church Question, at which he presided as a matter of course, and signed the Resolutions come to, adding that it was gratifying to see the country so united. Could the hon. Member say that it was illegal or unconstitutional to hold such a meeting, when hundreds of such meetings were presided over by officials in all parts of the country? He had letters from the secretary of the committee, too, assuring him that those who managed the deputation anxiously strove to keep it free from anything of a party character; and with reference to the second part of the Question, he had a letter from Mr. Sankey, who said he and Mr. Madden were at Enniskillen on the day of the meeting, and went there accompanied by several hundred of tenantry, none of whom wore colours; but they met others with drum and flags, who asked them to join in procession, but he declined. He trusted the House would deem his vindication of the character of those accused perfect, and he thought that if the hon. Member for Cork, instead of animadverting upon that meeting had exerted himself to prevent Fenian displays in other parts of the country, he would have employed his time more profitably. He only regretted that the hon. Member was not present on the occasion in question, because he would then have seen a gathering of 25,000 loyal men, a sight not to be seen every day, or in every county in Ireland.

MR. CHICHESTER FORTESCUE said, he was glad his reply had been prefaced by the candid statement of the noble Viscount, which must have been satisfactory to both sides of the House. In considering the question put to him it was necessary to bear in mind the main feature of the whole transaction, that it was a great public meeting called together to discuss a subject before Parliament of surpassing interest to those forming the meeting. This should not be lost sight of in considering minor events in connection with this transaction; but as far as his information went, and it was confirmed by the noble Viscount's statement, neither the high sheriff nor the magistrates mentioned had committed any breach of the Party Processions Act in the course of that day, whatever others may have done. He trusted this was the case, because it would be perfectly monstrous if any man holding Her Majesty's Commission was found committing a breach of the law, whatever his opinions might be on the law in question.

## RECENT CHARGE OF FURIOUS RIDING IN HYDE PARK.—OBSERVATIONS.

CAPTAIN WHITE said, he would beg to call the attention of the Secretary of State for the Home Department to the decision of the Police Magistrate at Marlborough Street in a recent charge of furious riding in Hyde Park. Colonel Knox, the defendant in the case, was charged with riding furiously in Rotten Row at 7 30 in the morning. The police officer stated that the pace was between ten and eleven miles an hour; but Colonel Knox, on whose word he would place implicit credit, said that he was not riding at the rate of more than eight miles an hour. On the evidence of the police the magistrate convicted Colonel Knox, and inflicted the full penalty of 40*s*., as much as could have been inflicted if the riding had occurred in the middle of the afternoon when the Row was thronged with people, assigning the extraordinary reason that it ought not to be objected to, inasmuch as the amount of the fine could matter but little to a gentleman in his position. That might be Marlborough Street justice, but he did not think that it was such justice as that House would approve. The police constables ought to temper their zeal with discretion. He wished to know, Whether the right hon. Gentleman would cause investigation to be made, with a view of ascertaining whether the Constables exceeded their duty on the occasion in question?

MR. BRUCE said, he hardly thought that a matter of this kind ought to be brought before the House. The policemen appeared to have given their evidence in a very temperate manner. The police appointed to prevent furious riding in the Park had been non-commissioned officers in cavalry regiments, and he thought he might appeal to many gentlemen in that House to bear him out in saying that they discharged their duty with great discretion. He quite

*Mr. Chichester Fortescue*

agreed with his hon. and gallant Friend that, as a rule, there was a difference between riding rapidly at an early hour in the morning and doing the same thing in the middle of the day, so far as the safety of the public was concerned; but many work-people were in the habit of crossing the Park when going to their work in the morning. He was rather astonished to hear that Colonel Knox was riding on the occasion at a pace of only eight miles an hour, because he had read in the paper that in order to prevent the horse running away with him, Colonel Knox had been obliged to run away with the horse. He did not think it would be the opinion of the House that it was called upon to sit in review on the decision of the magistrate, who happened to be one of the most experienced on the bench.

SIR PERCY BURRELL asked, whether there had been any corroboration of the testimony of the policemen?

MR. J. LOWTHER said, he thought the right hon. Gentleman had mistaken the scope of the hon. and gallant Member's observations. Cases of this kind—persons going eight miles an hour—were of daily occurrence. He thought he had seen the right hon. Gentleman himself riding at a pace of more than eight miles an hour.

Motion, by leave, *withdrawn*.

Committee *deferred* till *Monday* next.

## ROADS AND BRIDGES (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to provide for the Consolidation of Trusts, the appointment of County Road Trustees, the abolition of Tolls and Statute Labour, and the maintenance of Public Roads and Bridges by assessment in Scotland, *ordered* to be brought in by The LORD ADVOCATE and Mr. SOLICITOR GENERAL for SCOTLAND.

Bill *presented*, and read the first time. [Bill 207.]

## DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACT (1863) AMENDMENT BILL.

On Motion of Mr. AYRTON, Bill to amend "The Drainage and Improvement of Lands (Ireland) Act, 1863," and to afford further facilities for the purposes thereof, *ordered* to be brought in by Mr. AYRTON and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 208.]

## CINQUE PORTS ACT AMENDMENT BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to amend the Cinque Ports Act, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 206.]

### HERITABLE RIGHTS BILL.

On Motion of The Lord Advocate, Bill to abolish the Law of Deathbed, and to make certain other changes in the law of Scotland relating to Heritable Rights, *ordered* to be brought in by The Lord Advocate and Mr. Solicitor General for Scotland.

Bill *presented*, and read the first time. [Bill 204.]

House adjourned at Two o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 12th July*, 1869.

MINUTES.]—Public Bills—*First Reading*—Local Government Supplemental (No. 2) * (183); Seamen's Clothing *.

*Committee*—New Parishes and Church Building Acts Amendment * (150-184).

*Third Reading*—Irish Church (182).

*Royal Assent*—Recorders Deputies [32 & 33 *Vict.* c. 23]; Newspapers, Printers, and Reading Rooms [32 & 33 *Vict.* c. 24]; Poor Relief (Ireland) Act (1862) Amendment [32 & 33 *Vict.* c. 25]; Titles of Religious Congregations Act Extension [32 & 33 *Vict.* c. 26]; Inam Lands [32 & 33 *Vict.* c. 29]; Beerhouses, &c. [32 & 33 *Vict.* c. 27]; Public Parks (Ireland) [32 & 33 *Vict.* c. 28]; Park Gate Chapel Marriages, &c. [32 & 33 *Vict.* c. 30]; Sea Fisheries Act (1868) Supplemental [32 & 33 *Vict.* c. 31]; Oyster and Mussel Fisheries Supplemental [32 & 33 *Vict.* c. 70]; Pier and Harbour Orders Confirmation [32 & 33 *Vict.* c. 71.]

### SCHOOL OF MUSKETRY AT HYTHE.

#### ADDRESS FOR A REPORT ON SANITARY STATE.

Lord KINNAIRD, rising to call attention to an outbreak of fever in this establishment, said, he did not deny the importance of schools of musketry, for in view of the astonishing improvements which had been made in small arms, it was necessary that officers and soldiers should be taught to handle them. Having been informed last spring that a serious outbreak of fever had occurred, and believing that such epidemics could generally be accounted for by remediable causes, he paid a visit to Hythe and inspected the drainage of the barracks. He found a large shingly beach between the barracks and the sea, which effectually intercepted the sea breezes, and he observed that all the drainage of the town flowed into a canal belonging to the Government, and originally constructed for strategic purposes. This canal, which was covered with vegetable matter, ran at the foot of the barracks. The drains from the barracks, which were taken under the residences of the various officers, went into a ditch, from the open part of which refuse eighteen inches in depth had been taken out, so that the condition of that part which was covered might be imagined, and in hot weather with a south wind the stench was very unpleasant. The ditch, moreover, was dry for weeks at a time. The lecture room was a garret seated so as to hold 150 men, and being constantly filled with classes its ventilation was very objectionable. It was but fair to say that the medical officer attributed the outbreak, not to the bad drainage, but to the hot weather and to the officers having consequently thrown off their winter clothing; but it was singular, to say the least, that thirty or forty should have been affected by an attack which very much resembled the jungle fever of India. The officer admitted that the place was, to a certain extent unhealthy, and remarked that officers coming from abroad, and men of weak constitutions, could not stand the two months' drill, which was extremely hard work, being such as would properly require three months. A second school of musketry, situated at Fleetwood, and possessing excellent accommodation, had been abandoned on economical grounds, but it might be doubted whether the cost of conveying regiments from all parts of the three kingdoms to Hythe was less than the expense of a second establishment; and he felt sure that, when the health of the troops was at stake, measures would be taken by the Secretary of State for War and the noble Lord who represented the Department in this House (Lord Northbrook) to guard against another outbreak.

*Moved*, That an humble Address be presented to Her Majesty for a Report on the sanitary state of the School of Musketry at Hythe, the number of officers reported sick between the 1st of March and the 30th of April 1869, and cost of maintaining the establishment of the School of Musketry there for one year.—(*The Lord Kinnaird.*)

Lord NORTHBROOK said, there was no objection to the production of the Papers, including the Report of Dr. Massy, Deputy Inspector General of Hospitals, whom the Secretary of State for War deputed to investigate an outbreak of fever reported by the medical officers as of a bilious nature. His right hon. Friend would be ready to consider any improvements which might be required in the accommodation provided for the officers at Hythe.

Motion *agreed to.*

### IRISH CHURCH BILL—(No. 182.)

(*The Earl Granville.*)

THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3ª."—(*The Earl Granville.*)

THE EARL OF CLANCARTY: My Lords, after the labour and patient attention your Lordships have bestowed in Committee upon the details of this Bill—labour that I fully admit has materially mitigated the amount of wrong and injustice that would have been inflicted upon the Church in Ireland under the Bill as it came up from the House of Commons — some apology, I feel, is due to your Lordships for my now rising to move its rejection. I beg to say, then, that I should not have presumed to take such a step but under a sense, a very painful sense, of duty that must be paramount to all other considerations. But, my Lords, there are, apart from the general impolicy and injustice of the measure, objections to the passing of this Bill that, though frequently adverted to in the course of these debates, have never been answered, though they are of that nature that they certainly ought not to have been left unanswered—I mean the terms and conditions of the Act of Union between Great Britain and Ireland so far as they relate to the maintenance of the Established religion, and the Coronation Oath so far as it relates to the same subject. Objections such as these so materially enhance the responsibilities of the House in dealing with the question of disestablishing the Church that explanation, if it can be given, ought not to be withheld. With reference to the Coronation Oath, I think it cannot be denied that ever since the period of the Revolution until the present year it has been the wont of Parliament and of the Ministers of the Crown to respect the obligations that the Oath imposes upon the Sovereign of this realm. Why, my Lords, is this practice now to be departed from? It is a fact in history that about the time of the Union the Roman Catholic Relief Bill was deferred from the most opportune period for its enactment, owing to the conscientious objection of George III. to taking a step that he thought might imperil the Church. However exaggerated those apprehensions were then considered, may it not be said that circumstances at this day unhappily appear in a great measure to justify them? But when such statesmen as Pitt and Castlereagh respected them, earnest though they were in advocating the cause of the Roman Catholics, how can we consider ourselves at liberty—however expedient the measure before the House might otherwise appear to be—to advise Her Majesty to give her Royal Assent to a Bill of no such doubtful effect upon the interests of the Church; but so plainly and directly at variance as this is with all that in the most solemn manner before God, and in presence of her people, she has promised to do with respect to the maintenance of the Protestant Reformed religion as by law established? Unless, my Lords, it can be satisfactorily shown that the objects and provisions of this Bill are in perfect harmony with the engagements so solemnly accepted by the Sovereign at her coronation, I must feel it my duty, if on no other ground, to vote and protest against the passing of the Bill. Let me further urge it upon your Lordships that some consideration is due to the feelings of the public in this matter. It is said, indeed, that the constituencies have unmistakably pronounced for the overthrow of the Church in Ireland; and, in deference to that supposed verdict of the country, many of your Lordships, contrary, I believe, to your better judgment, voted for the second reading of the Bill. I do not deny that the result of a General Election should have considerable weight with this House; but those results are not always to be relied upon as an index of public opinion. A party cry, suddenly got up and skilfully directed, may, as it has done at the late General Election, give to the wildest and most revolutionary views the appearance of acceptance by the country; but such views, even when advocated by the Ministers of the Crown, must not be mistaken for that well-matured public judgment upon great questions of policy which this House is bound to respect. Confining myself to the one question of the Coronation Oath, I would ask, were the constituencies informed how their Sovereign was bound by the express terms of that Oath to maintain the Church that their leaders were denouncing? Most certainly that fact never was put before them. The abstract question of the justice or injustice of maintaining in Ireland a Church Establishment for a communion to which a minority only, and that a small minority, of the Irish people belonged, was, no doubt, placed before them, and, probably, with the colouring, exaggeration, and misrepresentation that have invariably characterized *ex parte* statements against the Church; and upon this abstract question they may have pronounced; but a loyal and a truth-loving people would never have desired that their beloved Sovereign should be placed in the dilemma in which she will be placed if this Bill should be submitted to her for her Royal Assent. At nearly every public meeting on the Church question that has been held since the nature of this measure has been understood, either in speeches or in resolutions, the Coronation Oath has been invoked as a sure and insuperable safeguard for the maintenance of the Protestant Church, now the object of attack; and as this confidence springs from sentiments of the truest loyalty to the Crown, as well as of attachment to the religion of the country, it ought not to be disregarded. I trust, therefore, that some authoritative explanation may be afforded by Her Majesty's Ministers to justify, if possible, the proposition of a measure so directly at variance with the sworn engagements of the Sovereign. The other objection to this Bill that I wish specially to call your Lordships' notice to is the terms and conditions of the Act of Union. Referring to the Fifth Article of the Union, which regards the establishment of the National Church, the words at the close of it appear to take it out of the competence of Parliament to dissolve the union then effected between the Churches of England and Ireland, without dissolving also the Union between the two countries. The Treaty of Union was a treaty or agreement between two independent nations, and any violation of the settlement then made of the Established religion would, unquestionably—from the terms in which it is couched—be a violation of the agreement then come to, and of the fundamental condition upon which that Union of the two countries was based. By referring to the Journals of the House, your Lordships may learn exactly under what circumstances the proposal of the Union came from the English Parliament, and the motives and terms both of its acceptance by the Parliament of Ireland, and of its proposal by the Parliament of Great Britain. England was at the time engaged in a tremendous struggle against the greatest military power that the world had ever known. She consequently had need of all the resources she could command, and of all the strength that could be obtained by a concentration of her power. In consequence, the Houses of Parliament consulted and agreed to recommend certain propositions for a Union with Ireland. These propositions were laid before the King in the month of April, 1799, accompanied with an Address, in the course of which the chief object of the proposed Union is set forth in these words—

> "We entertain a firm persuasion that a complete and entire union between Great Britain and Ireland, founded on equal and liberal principles, must afford fresh means of opposing, at all times, an effectual resistance to the destructive projects of our foreign and domestic enemies, and must tend to confirm and augment the stability, power, and resources of the Empire."

The King having communicated the propositions of his Parliament of Great Britain to his Parliament in Ireland, they were there in turn considered, and, with important amendments regarding the Established religion, returned to him in the month of March of the following year, 1800, along with an Address terminating with the following words:—

> "We offer them [the amended propositions], in the full conviction that by uniting ourselves with your Majesty's subjects of Great Britain under one Parliament and under one government, we shall most effectually provide for the improvement of our commerce, the security of our religion, and the preservation of our liberties."

The King was thus informed of the motives, as well of the Irish Parliament as of the British Parliament in agreeing to the Union. England sought to strengthen herself against the foreign foe. Ireland consented to the Union in the belief that it would secure the Established religion; and with this view the proposition of England for the Fifth Article of Union, to the effect—

> "That the Churches of that part of Great Britain called England, and that part of Great Britain called Scotland, and of Ireland, and the doctrine, worship, discipline, and government thereof, shall be preserved as now by law established,"

Was amended, and as amended, was ratified by Act of Parliament, being made the 5th Article of the Act of Union. It was therein agreed that the Church of England and Ireland should be thenceforth united into one Church, and—

> "That the continuance and preservation of the said United Church as the Established Church of that part of the United Kingdom called England and Ireland shall be deemed and taken to be an essential and fundamental Article and condition of the union."

The Parliament of Ireland thus made a conditional surrender of its independence; and so well understood was this, that when, some years afterwards, the coronation of George IV. took place, the Oath of the Sovereign was so modified to its present form as to be a practical and most solemn ratification of the condition upon which the Union was based. I do not question the power of Parliament to act as it is doing; but power may be abused. Nobody questioned the power of Bonaparte to put to death the 4,000 captives who had surrendered to him as prisoners of war after a brave defence of the fortress of Jaffa. He had the power, and he exercised it, of committing a cold-blooded massacre of those whose lives had been secured by every claim of right, and by every obligation of good faith and of honour. His own countrymen and greatest admirers all admit that an indelible stain has thus been left upon the character of that otherwise great man. The Parliament of the United Kingdom has likewise the power, but also the responsibility, of doing wrong. As it can ignore the sworn obligations of the Sovereign, so it can ignore good faith in the keeping of treaties. And if this measure be carried out it will, I conceive, leave abiding upon the character of the British Parliament the reproach of dishonour in violating the condition upon the faith of which alone Ireland consented to surrender her independence. And now, my Lords, before I sit down, let me add one word more in deprecation of this measure. It has been incautiously, but very justly, admitted by Her Majesty's Ministers to be a Bill of Pains and Penalties against the Irish branch of the Established Church. What is the crime for which the Irish Church is to be punished, stripped of its property, and cut off as unworthy any longer to exist? Why is the Protestant population to be deprived of the means hitherto enjoyed and guaranteed to them by the laws of the land, and by the Oath of the Sovereign, for public worship? Why is the tithe rent-charge to be left still a burden upon the land after the maintenance of the ministry of the Gospel and the worship of Almighty God, to which alone it can legitimately be applied, have been discontinued? Why is Ireland to be deprived of the benefits henceforth reserved exclusively for Great Britain, of having Christianity upheld in purity of doctrine—the Word of God as the foundation of her moral government? And when you say you are doing justice to Ireland, how do you justify—even if the robbery of the property of the Church were legitimate—the abstraction from that Irish fund of means for relieving the Imperial Exchequer of an annual payment to Maynooth College and to the Presbyterian body of about £80,000 a year? Is such the nature of your justice and liberality?—is that to be your message of peace to Ireland?—and are you going to advise the Queen so to treat her poor Irish subjects? Again, I ask—What has been the offence of the Irish branch of the Established Church—that is to say, of the Irish Church as it has existed since it came under your jurisdiction at the time of the Union, as part and parcel of the Church of England? What has it done to incur the proposed penalties, or even to merit censure? Take, first, the laity of the Church. Have they been disloyal or disaffected?—has even a single Protestant been known to have taken part in the Fenian conspiracy, or in any confederacy whatever against the laws and constitution of the country? Have they not, on the contrary, been among the most loyal of the Queen's subjects, the most zealous friends of the Union? Have they in any way wronged or oppressed their Roman Catholic fellow-subjects? Have they not rather courted association with them in the free enjoyment of that constitutional liberty that became the common right of all after the passing of the Relief Bill? And are they not, moreover, at this time the most peaceable, industrious, and enterprizing of the Irish people? The Protestant laity must be acquitted of having, upon any ground whatsoever, incurred the penalties with which you are about to visit them. What, then, is the case of the clergy? Have they been unfaithful to their mission of upholding the pure doctrines of the Gospel? Have they lent themselves to those Ritualistic practices that, in this country, have to so great an extent bridged the way over from the Reformed Church to the Church of Rome? If so, they have no claim upon the sympathy of a Protestant people. Have they been uncharitable, either in act or language, towards the Roman Catholics among whom they dwell? Have they been political agitators—leaders of mobs at elections? Have they countenanced crime, immorality, dishonesty, or the infringement of any laws, human or divine? If so, they have been unfaithful to their mission as a Christian ministry, and have justly incurred the condemnation of the country. But what is the fact? They have been eminently faithful in teaching and exemplifying a practical Christianity, as ministers of God's Word, alike in the pulpit, in the sick chamber, in the parochial walk; and in the school-room they have consistently maintained that sacred character, but especially in the work of education. When the Government discarded the Bible from the National school-room, they, with self-denying faithfulness, established and maintained out of their small means a system of Scriptural education of which thousands of poor Roman Catholics as well as Protestants to this day avail themselves, and without which the light to fruth must have become nearly extinct among the poorer classes in Ireland. They are not politically, a powerful body; privation, persecution, and misrepresentation are trials that have in a large measure befallen them. But they are not a body to be looked down upon. Mr. Gladstone himself, no longer ago than last year, described them as—"a clergy claiming and well earning the name of an able, zealous, and pious clergy." Many of your Lordships who have not been in Ireland, I am sure, are aware that among the most eminent preachers of the Gospel in this country are Irish clergymen; and, not to look beyond the walls of this House, I may ask your Lordships whether the natives of my country, who occupy seats upon the Episcopal Bench, may not compare, at least upon equal terms, with their English Brethren, or with the lay Peers with whom they are associated? I will close my notice of the Irish Protestant clergy with a testimony which is more important, as it regards their usefulness among the poor in their own country—it is from an eye-witness, who cannot be charged with any partiality towards the Church. The witness I call was known in the last Parliament where he gave his evidence, as the Earl of Clarendon. Now he is known as Secretary of State for Foreign Affairs, for which Office, I believe, no man is better fitted. His words were, addressing this House in the last Session of Parliament—

> "I have not lived so long in Ireland without having learnt to appreciate the signal virtues of the Irish clergy. . . . I know there are exceptions; but still the conduct of the Protestant clergy of Ireland, as a body, is most exemplary; to the extent of their small means they are very charitable; they are not distrusted by their Catholic neighbours; and their removal from the parishes in which they labour would give cause for much regret."—[3 *Hansard*, cxcii. 2086.]

It only remains for me now to give to your Lordships, with reference to what Her Majesty's Ministers have rightly designated as a Bill of Pains and Penalties brought against the Irish Established Church, the verdict of that Church's acquittal from the lips of Mr. Gladstone himself. These are his words—

> "It is in my opinion an exaggeration to make the Irish Established Church, in its present form, responsible for the great grievances of ascendancy, and of national estrangement in Ireland."

It is asked then—What is the cause of all the evils of Ireland? I answer, from the proofs I have given—and also by Mr. Gladstone's own verdict—it is not the Irish Church. Perhaps it may be said it is the land. Well, if so, let the land question be well looked into. The landlords do not shrink from inquiry, and if wrong be found let the proper remedy be applied; but I believe that the cause of Ireland's evils is misgovernment. For the last half-century, especially since the Reform Bill, she has been constantly the battle-field of English parties contending for the mastery, and the interests of the country have been ever postponed to those of party. There has never been for any lengthened period a systematic endeavour to govern her upon the principles and in the spirit of the Constitution. Divided in religion, her religious differences, which ought to have been assuaged through the healing influences of the Relief Bill, have been constantly kept alive. The Protestant Church, which should have received countenance and encouragement in its mission of peace, has been constantly made to serve the ends of party—made the object of unmerited attack, and foul disparagement—chiefly within the walls of Parliament. Your Lordships are—most of you—familiar with the epithets, "unjust," "offensive," so unfairly levelled against it, and must have noticed how, even in the course of these debates, as if to widen the breach between Roman Catholics and Protestants, the Established Church has been denounced as a "badge of conquest," thereby harrowing up in the Roman Catholic mind every feeling of bitterness that the recollections of the civil war and bloody conflicts that resulted in the dethronement of James II. and the triumph of King William are wont to awaken. If the Government really desires to benefit Ireland, let them try the experiment of leaving her alone for a few years, to be governed under the existing laws, but with justice and impartiality. Let them give legitimate encouragement to develop the material resources of the country through the industry of its inhabitants. Let them cease to meddle with the affairs of the Protestant or Roman Catholic Churches. We have suffered too much from such meddling. It has been too much the wont of the Government to bid for political support at the hands of the Roman Catholic hierarchy. Of that body I will say nothing in disparagement. It consists of men of high order of ability, and exemplary in their faithfulness and devotion to the interests of their Church. But it is no part of the duty of a British Government to lay themselves out to advance the ecclesiastical power of Rome, and it has been of serious detriment to the best interests of Ireland. In courting the political support of the hierarchy, you have eliminated from your National schools the Bible, the corner stone of the Reformed faith; you have established a great seminary for the dissemination of Roman Catholic doctrine, and the establishment of Roman Catholic influence over the whole land. Your policy has been one of continual progress in that direction. You have proposed endowments for the Roman Catholic clergy; they have refused them. You have proposed seats in the House of Lords for Roman Catholic Prelates, and ere you had time to consider the proposition it was spurned by their accredited agent in this House. And soon your policy, I fear, is about to culminate in the final overthrow and extinction of the Protestant Church in Ireland. Truly it must be an edifying spectacle for all Christendom to behold Protestant England, so long the head of the Protestant nations of the world, now an abject courtier of Rome, and trampling upon her own Protestant institutions.

Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(*The Earl of Clancarty.*)

LORD LURGAN said, though he had been for some time a Member of their Lordships' House, yet as he had never until then ventured to address them, he begged for their Lordships' kind indulgence whilst he made a few observations upon the Bill then before them. He wished, as an Irishman, to be allowed to express his grateful thanks to both sides of the House for the careful attention they had given to the subject, and the earnest desire they had shown to consult the wishes of the people of Ireland. While differing as to the means, he felt sure that they all aimed at the good of the country, and he believed the Irish people were grateful to both Houses for the disposition which they had manifested to listen to their wishes, and, as far as they were reasonable, to comply with them. An Irishman and an Episcopalian, he lived in a district in which there were between 6,000 and 7,000 members of the Established Church, and worshipped in a church where the average attendance was from 700 to 900, forming a congregation not to be surpassed in respectability or intelligence by any congregation in any part of the United Kingdom similarly circumstanced. Their spiritual wants were most satisfactorily ministered to by an estimable rector, who had lately been appointed archdeacon of the town, assisted by intelligent and self-denying curates; and he might be asked what more he could desire? While appreciating, however, the facilities afforded him of worshipping in a church supported by the State, he was bound to remember the first principles of Christianity, which inculcated the doing to others as we would be done by, and he could not forget that enormous numbers of his countrymen held different religious opinions. To determine whether the Irish Church should be continued in its present position, he must go beyond the precincts of his own parish or the limits of Ulster, and must ascertain the feeling of the majority of the people. Now, as an almost continuous resident in Ireland for fourteen out of the last sixteen years, he was bound to say that the current of public opinion had been distinctly in the direction of the present measure, and that there had been an unmistakable feeling that things could not continue on their present footing. He must go further, and say that the unfortunate disturbances which had occurred in the North of Ireland had been almost entirely due to disputes about Protestant ascendancy. The State had at different times endeavoured to legislate to put an end to those disturbances. Hence the temporary Party Processions Act in 1833 or 1834. After that came the unhappy conflict at Dolly's-brae, in the county of Down, in 1845, when a permanent Act was passed to prevent party processions. Next followed an unfortunate affair in the county of Armagh, which led to the Party Emblems Act being put in force, the object of which was to prevent the exhibition of party flags and emblems on church towers. The Act had been repealed, and now what was the consequence? On that very day, the 12th of July, on the towers of numerous churches in his neighbourhood in the North of Ireland, there were to be seen flags floating, which he knew to be a great cause of irritation to those who were not members of the Established Church. He was aware that some of their Lordships had a feeling that if that Bill became law, the Protestant religion would gradually die out and be supplanted by Roman Catholicism. He could quite understand and appreciate that consideration; but it appeared to him to be quite irrelevant on the present occasion. The simple question at issue was whether the Bill now before them for a third reading was necessary, whether it was just, and whether it would promote the objects which it professed to seek. To his mind, it clearly would promote those objects; and he, for one, certainly had no fear of the ultimate effect of the measure on the fate of Protestantism. The Protestants of Ireland were an active and energetic body; they were also the richer portion of the community; and he could not bear for a moment to think that the stigma ought to be applied to them that they could not do for their Church what the poorer portion of the community—the Roman Catholics—had long done for theirs—namely, support it for themselves. If, however, his anticipations in that respect should unfortunately not be realized, might they not count on their friends of the sister Church in England — many of whom grieved so deeply because the tie between the two Churches was about to be broken — might they not count, in their hour of need and adversity, on those friends not confining their sympathy to mere empty words, but coming forward with generous contributions to help the disestablished communion through its temporary difficulties? He wished to advert for a moment to the Amendment moved the other night by the noble Duke (the Duke of Cleveland). He did not know whether their Lordships had yet decided on the proper term to apply to that form of legislation. He would for the present simply call it a gratuitous giving away of money to those who had not desired it; and in making that remark he disclaimed the least wish in any way to disparage the noble Duke's proposal, which had commended itself to so many of their Lordships whose opinions were entitled to the highest respect. But he objected to the principle of that Amendment on these three grounds. He objected to it in the first place—and in this he was perhaps singular—because he was opposed to any of the funds of the disestablished and disendowed Church going to any religious body, and would wish, if he had his own way in that matter, that they should be devoted to secular purposes in Ireland. He objected to it also because the boon was not desired on the part of those to whom it was proposed to be given. There was an old adage that "what is worth having is worth asking for;" and they in Ireland were not generally backward or shy in making known their wishes. Their Lordships might, therefore, take it for granted that had that remedy of glebe-houses and ten acres of land been regarded as a panacea for all their ills, their Lordships would have heard it put forward in a clear and emphatic manner, either by the people themselves or by their representatives in "another place." Not only, however, had there been no manifestations in favour of that principle, but he might say there had been a clear and emphatic pronouncement against it. The noble Earl (the Earl of Denbigh) who spoke on the subject the other night for his own religionists, the Roman Catholics, had since written to *The Times* to explain that the feelings he had expressed on that occasion were the feelings of the National Association. But it should be remembered that among the members of that Association were Bishops, priests, and laymen of the Roman Catholic Church, whose opinions were entitled to great respect. Then, what were the feelings of the Presbyterians? Why, at a meeting of their General Assembly, held not very long ago—the very largest General Assembly, he believed, which they had ever held, both of ministers and elders (or representatives of the laity)—the Presbyterians agreed that in the event of any proposal being made by statesmen inconsistent with the testimony which that Church had uniformly borne against the endowment of error, the Committee be instructed as heretofore to maintain such testimony unimpaired, and to offer to any proposal of such a kind a most strenuous opposition. Then what did the Episcopal Church in Ireland say to the proposal? At the conference of its clergy and laity, held in April last, a resolution was moved by a certain Mr. Hamilton—a gentleman of the North of Ireland—distinctly repudiating what was commonly known as the "levelling up" system. Several influential gentlemen, opposed to Mr. Hamilton's resolution, moved the previous question, but that resolution was adopted by a large majority as the opinion of the Conference. Under those circumstances, he ventured to hope that their Lordships would not refuse to give due consideration to the feelings of the country on that subject, and that the Government would adhere in that House, and in "another place," strictly to the principles of the Bill. It was true that by giving way they might gain some temporary and lukewarm support, but they would shock and diminish the confidence of their genuine and sincere supporters, who, like himself, believed that this Bill would do incalculable good in Ireland. He ventured also to think the day was not so very far distant, perhaps, when it would be an admitted fact that the promoter of that Bill, in bringing it under the consideration of Parliament, had proved himself to be an honest, manly, and prescient statesman.

THE EARL OF DERBY: As upon the second reading of this Bill I had an opportunity of expressing my opinions at considerable length, I will trespass only for a very short time on your Lordships at present. On the second reading having expressed, as I felt it my duty to do, my decided opposition to the main principles of the Bill, I have, through the discussions in Committee, confined myself almost exclusively to giving a silent vote in favour of those Amendments which appeared to me calculated, in some degree, to mitigate and soften the severity and harshness of the measure. But, my Lords, my objection is not to details; it is to the whole principle of the Bill, which is founded upon disestablishment and disendowment. I object to both. Your Lordships in this House may have introduced Amendments to mitigate, in some degree, the pressure on the clergy, though hardly at all upon the laity; but you have introduced none which interfere with the main principles and object of the Bill. As for disestablishment, it remains immediate and entire; as for disendowment, it remains not immediate but near in the future. Now, setting aside that provision for the temporary interests of individuals, which Her Majesty's Government from the first stated it was their intention to respect—after providing for these temporary interests, there remains to the Church at the outside a sum not exceeding £3,000,000, even if your Lordships' Amendments should be adopted in their entirety by the House of Commons—a sum which would yield for the Protestant population of Ireland an annual income not greater than that which is possessed in their private capacity by many Members of your Lordships' House, and by many outside these walls. The whole amount that these £3,000,000, according to the ordinary calculations of interest, would yield to the clergy as a body would not be more than £90,000 or £100,000; and when it is said that £9,000,000 will be left to the Church according to some, £11,000,000 according to others, and three-fifths of its entire income, according to the First Minister of the Crown, I believe, with the exception of personal interests, no such thing would be left to the Church according to the Bill as introduced by the Government, and little or nothing by the Bill as amended by your Lordships' House, except a miserable pittance wholly insufficient for the well-being of the Church or the high and holy purposes which the Church has to fulfil. I said I was not going to argue the subject now, nor will I enter with the noble Lord (Lord Lurgan) into the question of concurrent endowment, which he called throwing the money away, by giving it to those who did not ask for it. Had not the noble Lord been so long in waiting, I think that discussion on that point might have been postponed until raised by the Amendment of the noble Earl behind me (Earl Stanhope). I abstain, therefore, altogether from discussing the policy of concurrent endowment, or throwing away the money. But I did not rise to argue on the principle of the Bill, but simply for the purpose of saying that, as my objections extend not merely to the details, but to the principle, they have not been in the slightest degree removed by the alterations made by your Lordships' House, even if they should be acceded to by the House of Commons. If, therefore, my noble Friend behind me (the Earl of Clancarty) perseveres in dividing the House on the third reading, feeling as I do entirely opposed to the Bill both in its principles and details, and desirous of solemnly recording my protest against the whole principle of the measure, I shall feel compelled to vote in favour of the Amendment of my noble Friend. At the same time, if he will allow me to offer the advice of a very sincere Friend, I would recommend him not to go to a division; because, in the first place, it would give a very erroneous impression to the public of the disposition and character of your Lordships' House; and, in the next place, it would be very difficult for those noble Lords who supported the second reading, with the view of introducing Amendments, to join him in opposing the third reading. Therefore, while entirely agreeing with my noble Friend in the objections he takes to the measure, and desirous of seeing it rejected, and rejected by the country as well as by Parliament, I think it would be impolitic for him, on the present occasion, to risk a division. I should much prefer that this Bill, with the Amendments introduced by your Lordships, should be sent down to the House of Commons, and if there Her Majesty's Government take upon themselves to reject the very moderate and reasonable Amendments which have been introduced, and especially if your Lordships remain firm, as I trust you will,—if they refuse the fair and reasonable terms which your Lordships' offer, and if the Bill which the Government profess such a desire to pass be lost, the responsibility will rest with them and not your Lordships' House.

LORD LYTTELTON said, if the Bill had remained as it was upon the passing the second reading in that House, believing it to be a just, wise, and beneficial measure, he would have voted for the third reading without any misgiving whatever. He could not add that he would vote for it with those feelings of delight with which many were enabled to support it. It was a painful process to separate man and wife, or to cut off a man's limb, though it might be just and beneficial. He wished he could say that he felt no misgiving as to the results which the measure was expected to produce. Looking to the next great question of the land, and to the history of Ireland for the last forty years, he could not feel any very confident anticipations as to the effect of the measure in promoting peace and satisfaction among the Irish people, No anticipations of that kind could have been stronger than were entertained, in 1829, on the passing of the Roman Catholic Relief Bill, and yet not many in that House could say that those anticipations had been realized. Now a few words as to the disposal of the surplus. He said on a former occasion that he entirely approved the principle of concurrent endowment, and at that time he trusted to see something of the kind embodied in this measure. But he could not think there was any sacrilege in the way in which it was proposed to dispose of the surplus. Sacrilege was a question solely of principle and depended in no respect on degree, and it should be remembered that some centuries ago a great proportion of the land of this country—some good authorities said one-half—was applied to sacred uses. Now, it would be a *reductio ad absurdum* to say that the property so appropriated should remain devoted for ever to pious and sacred uses. But still, as tending to make the measure more acceptable, he did think it would be a good thing that the property of the disendowed Church should be applied as nearly as possible, on the principle of *cy près*, to the purposes to which it had been applied hitherto. He held that to object to give any part of the surplus to the Roman Catholics was the essence of bigotry. But last year it was universally agreed that that was inadmissible. It was understood *ex concesso* that it should not be given to the Presbyterians nor to the Roman Catholics, and it remained to be considered what was to be done with the surplus. He wished to say now that no part of the Bill appeared to him more satisfactory than the application it proposed of the surplus to temporal works of mercy. Those objects which had been called "luxuries of the poor" seemed to him as nearly as possible connected with the direct services of religion to which the funds had been formerly applied. The suggestion that they should be so applied was first made by a distinguished dignitary of the Roman Catholic Church, Archbishop Manning, in a pamphlet addressed, if he mistook not, to the noble Earl on the cross-Benches (Earl Grey). In that pamphlet Dr. Manning said—"The Roman Catholics do not want it; they will not take it; give it to the poor." Upon seeing the proposal he wrote to Archbishop Manning, asking him to put the matter more in detail than he had done. He could not discover any evidence of a change of opinion in the country upon the subject; and though he himself should still have much preferred that the funds should be equally divided among the different religious bodies, and the least instalment in that direction would be acceptable to him, yet as this principle of concurrent endowment was to be given up, he fully concurred in the appropriation of the surplus to the pious uses specified by the Bill as it stood.

*Lord Lyttelton*

THE EARL OF LEITRIM said, he could not admit the right of their Lordships to adopt the principle upon which the Bill was founded. He should divide with the noble Earl who had moved that the Bill be read three months hence, because that course would be tantamount to kicking the Bill out of the House. If their Lordships met simply as a debating society for the purpose of making eloquent displays he would have been the first to award them his meed of praise; but eloquence was one thing and honour another; and he would say—Cease the House! Perish England! rather than the line of honour should be departed from, and the interests of religion and truth sacrificed. How was it possible their Lordships could dispose of the oath they had taken under the 19th chap. of the 29th of the Queen? Was this to follow the Coronation Oath and the Treaty of the Act of Union? Were their Lordships going to relieve themselves from taxation by purloining the property of the Church? If their Lordships received a proposal from Mr. Gladstone to establish Mahommedanism as the most approved religion, would they discuss it with the same energy and display the same eloquence over it as they had exhibited with reference to this Bill? There was no distinction between the principle of the two questions; they both rested upon the broad basis of religious equality. By the same rule as prompted the supporters of this Bill to rob the Protestant Church others equally regardless of honour might rob the Roman Catholic Church. He must remark that the debate on the second reading was almost entirely monopolized by noble Lords residing in that part of the United Kingdom called England; he protested in the strongest manner against such noble Lords monopolizing to themselves the privilege of governing Ireland, and teaching Irishmen what were and what were not their interests. He maintained that the Bill was a robbery of the people, and, notwithstanding all arguments to the contrary, it could end only in injury and discouragement to the people. It was immaterial what course was taken by the House below; it was their Lordships' duty to stand round the Throne, and in every way to support Her Majesty in maintaining the oath she took at her coronation.

THE BISHOP OF TUAM said, that if the noble Earl should divide the House it would afford him the greatest possible satisfaction to vote with him. The most important question which the Bill involved was that of disestablishment. With respect to that question he could not forget that in the only Christian country where an attempt had been made to disconnect religion from the State—namely, France, during the Revolution—the most disastrous consequences had followed. He wished, therefore, however vain it was, to protest against disestablishment. Furthermore, he desired to protest against Government taking away property from the Church which clearly and legally belonged to that Church. It was given to the Church by the pledge of the national faith, upon the condition that she should teach the Reformed religion to the people of Ireland; and she had most faithfully discharged her part of the obligation. The most grievous injustice would be committed by the Bill, for the vested rights of the laity had been entirely overlooked. And not only would gross injustice be perpetrated in this direction, but the cheese-paring which had occurred would do great injustice to the poor incumbents. An attempt had been made in Committee to get better terms for these incumbents, but it failed. He hoped, however, that Government would yet take their undoubted claims into consideration, and do something to relieve them from what would otherwise be a very unfortunate position. Out of the 1,500 clergymen belonging to the Irish Church no less than 681 were men in the receipt of very small salaries. In his own diocese, for example, about one-third of the incumbents had only £100 a year, and a large number only £200. Now, the average area of the parishes was upwards of 34,000 acres, and considering the physical exertion thus required from the clergymen, the necessity they were under of keeping a horse, and the various other claims upon their pecuniary resources, it would be seen that they were in a very poor condition, and could have very little left for the education of their children. He himself knew of the case of one clergyman whose parish was almost as large as the whole county of Dublin, whose income was only £170 per annum, and who, though he was a most earnest and painstaking minister, and had been in the ministry for a period of twenty-seven years, was only able to provide, on a very limited scale, for the wants of his family. That clergyman had always looked forward to preferment to rescue him from his difficulties; but all prospect of this had been most effectually cut off by the Bill. That being so, and seeing that the giving of further compensation to the poorer incumbents would not be opposed to the principles upon which the Bill was framed, he hoped that the Government would seriously take the matter into its consideration.

THE EARL OF CLANCARTY said, that looking to the position the House had already taken on this question, as was shown by the votes recorded on the second reading, he felt that no practical result would be obtained by dividing the House now, and therefore, in deference to the appeal of the noble Earl (the Earl of Derby) he would withdraw his Motion.

Amendment (by leave of the House) *withdrawn.*

The original Motion *agreed to.*

Bill read 3ª accordingly, with the Amendments.

THE EARL OF DERBY said, that a number of Peers wished to record a Protest against the third reading of the Bill, and, according to the Order of the House, such a Protest should be entered before two o'clock to-morrow. As this was an important question, and many noble Lords were desirous of appending their names to the Protest, he asked that the time for entering a Protest might be extended to two o'clock on Thursday.

EARL GRANVILLE, on the part of the Government, assented to the request.

THE EARL OF DEVON, in rising to move an Amendment to strike out from Clause 13 the words which gave the Irish Prelates the right to retain their seats in the House of Lords, said: My Lords, I shall only trouble you for a few moments with respect to the Amendment which stands upon the Paper in my name. But before addressing myself more immediately to the question in hand, perhaps I may be permitted to express the reluctance which I feel in dealing with a matter which in one aspect, at least, assumes something of a personal character, more especially towards a right rev. Prelate for whom I entertain feelings of the greatest respect. I have also to regret that in bringing forward my Amendment I should have the misfortune to differ very considerably from a number of those with whom, under ordinary circumstances, I generally act most cordially. But I feel that the question which I am about to bring under your Lordships' notice is one which makes it incumbent upon me to set aside all private considerations and deal with this matter solely upon public grounds. My Amendment proposes to deal with Clause 13, and it seeks to omit from that clause the words which were inserted during the Committee upon the Bill on the Motion of the noble Earl (the Earl of Clancarty) and the object of which is to secure to the existing Prelates of the Irish Church the right to be summoned to, and sit in, the House of Lords after the passing of the measure which we are now discussing. The Amendment in favour of this proposal was accepted by the noble Earl the Leader of the Government in this House, and your Lordships had consequently no opportunity of expressing your opinion upon the matter. Had such an opportunity been available I should have felt it my duty to vote against the proposition of the noble Earl. Not having been able to do so I have thought it right to give your Lordships another opportunity of expressing your opinion, more especially as I think it not improbable that many of your Lordships may agree with the course which I now see fit to pursue. So far as the disestablishment of the Irish Church is concerned, your Lordships, I may say, have practically recognized it, both because you carried the second reading of the Bill, and because none of the many Amendments which have been moved had any reference whatever to the question of disestablishment. I am not therefore, I think, wrong in assuming that your Lordships, however reluctantly, have accepted the principle of disestablishment. That being so, it is, in my estimation, a very strong reason why the right rev. Prelates should not continue any longer to retain seats which they have hitherto held only in consequence of their Church being established. Another reason in favour of the change I am advocating is the fact of these Irish Bishops sitting only by rotation, and according to a different system to that upon which the other occupants of the Episcopal Bench sit. That appears to me to be a proof that those seats cannot be considered to be permanent, and that, when the Church is disestablished, they should no longer be retained. It will be seen at once how inconsistent with the provisions of the Bill, and how inconvenient as a precedent it would be that there should sit in your Lordships' House the representatives of a religious community whose connection with the State is no longer recognized by law. Another strong reason why your Lordships should accept my Amendment is, that by conceding the privilege given by the words which I propose to strike out to the representatives of the Established Church we shall be regarded as perpetuating the principle of what is called ascendancy, which the Bill professes to do its utmost to abolish. I have still another reason to urge. Your Lordships have passed many important Amendments, with most of which I cordially concur; but it is idle for us to conceal from ourselves that these Amendments, in many respects, run counter to the spirit of the Bill as it was sent up to us. These Amendments will undergo a most searching, if not a hostile criticism in the other House of Parliament, and I believe that the particular Amendment, which I am now seeking to remove from the Bill, is very likely to prevent the other House from accepting some of the others. The consideration of the whole of the Amendments will, I hope, result in a fair, temperate, and judicious compromise. I still entertain the hope that the judgment and moderation of Parliament on both sides will result in such a modification of the Amendments as will be found to be within the scope of the principle of the Bill. I confess, my Lords, that I still have hopes of this question being settled, and I think the step I am now taking is one in this direction.

Amendment *moved*, in line 5, to leave out from ("Church") to ("shall") in line 6.—(*The Earl of Devon.*)

Lord REDESDALE said, that having been unable on a former occasion, through the forms of the House, to address their Lordships upon the Amendment he had proposed upon this clause, he wished to point out that it was entirely free from the objections which the noble Earl (the Earl of Devon) had raised to the Amendment which he now asked their Lordships to omit from the clause. The noble Earl had stated that as the principle of the Bill involved the disestablishment of the Irish Church, the Bishops of that Church should not be permitted to retain their seats in their Lordships' House. He had no objection whatever to the omission of the words objected to by the noble Earl, provided the Amendment which he (Lord Redesdale) had given notice of was substituted for them. He had no wish that the Archbishops and Bishops of the Irish Church should sit in that House as such, but he objected to a disfranchising clause being sent to this House from the Commons, under which certain of its Members were to be deprived of their seats. Their Lordships should not allow any of their Members to be deprived of their seats from no fault of their own, and, therefore, he proposed to substitute for the words which the noble Earl had moved to omit an Amendment under which the present Archbishops and Bishops of the Irish Church would be permitted to retain their seats during life, being personally summoned to successive Parliaments in the same order and precedence as they had been before, but providing, as would be necessary, that such summons should not confer any hereditary right of peerage. He wished that it should be clearly understood that he looked upon the question as one affecting the rights and privileges of their Lordships' House, and not as one connected with the disestablishment of the Irish Church.

LORD PENZANCE said, that no doubt it was competent to Parliament to maintain the right of the Irish Bishops to seats in their Lordships' House; but if those right rev. Prelates continued to sit in that House after the passing of this Bill it was impossible they could sit as Bishops, because their bishoprics would have been destroyed. When their baronies were destroyed, as they would be by this Bill, they could no longer sit there as they had been accustomed to sit. Whatever position they would have in their Lordships' House would be one of a new kind—one not hitherto known to the Constitution. Their Lordships had been asked whether they would disfranchise the Irish Bishops. What was the franchise of those right rev. Prelates in that House? The franchise of each of them was his barony, and that barony being destroyed by this Bill, the Bishops' franchise was destroyed with it. What was now proposed would be a legislative phenomenon. It was proposed to give a rotary, a revolving, and intermittent right to a number of learned, pious, and erudite individuals to sit in that House; but, as regarded certain of those Prelates, that right would hereafter become a fixed one. A given number of them were to have seats during the lives of the existing Bishops; as long as there remained a sufficient number of them that right would be enjoyed by rotation; but, inasmuch as vacancies could not be filled up by other Bishops, and inasmuch as the common enemy would do his work among Bishops as well as among other mortals, the intermittent right would ultimately become, by a sort of tontine, a fixed one for certain individuals. That would be an extension of the privileges which they had hitherto enjoyed. Of course, everyone would like to go as far as possible in preserving the rights and privileges and social advantages of individuals; but, it must be remembered, that no great change could be effected without a certain amount of personal loss and inconvenience which were beyond compensation, and he thought their Lordships ought to consider this matter well before they refused to restore the clause to its original shape.

THE ARCHBISHOP OF CANTERBURY said, it would be ridiculous in him to attempt to argue the legal question with the noble and learned Lord who had just sat down; but he thought justice required that the seats of the Irish Bishops should be preserved, and if justice did require it the noble and learned Lords in the House ought to be able to devise a mode of removing any legal objections to what was proposed. It seemed to him that the argument of the noble and learned Lord contained a fallacy. The barony of each Bishop was dissolved by the 13th clause; but it was dissolved with the condition that as long as the existing Bishops lived they should have seats by rotation in their Lordships' House. With regard to the privilege itself, it might or might not be a great one; but by words in the clause certain other rights and privileges connected with the barony were secured to those who at present enjoyed them. If the argument of the noble and learned Lord (Lord Penzance) were a good one all these other rights and privileges were destroyed with the barony, and it was an anomaly to introduce words to preserve them. Those Bishops might be called Bishops of the disestablished Church, but they had been appointed to their high office by the Sovereign of this realm, and therefore they were in quite a different position from that which would be occupied by their successors. He thought that justice and common sense required that the existing Bishops of the Irish Church should be left in possession of the seats they had hitherto enjoyed in their Lordships' House.

Lord DENMAN said, that he believed it would be contrary to all the principles of the Constitution to deprive those Prelates of the right to sit in that House.

Earl DE GREY and RIPON said, it was a mistake to suppose that his noble Friend the Secretary of State for the Colonies had consented to the introduction of the words by which the Irish Bishops would be still entitled to sit in their Lordships' House. His noble Friend had expressed a desire to hear the opinions of noble Lords upon the subject, which he described as one of no great importance, and finding that the clause as it stood was not warmly supported, his noble Friend had not called for a division; but when the Question as to the insertion of the words was put the Members of the Government present said, "Not content." Things were not in the same condition now. The Motion now before their Lordships had been moved by a noble Earl on the Opposition side of the House, and one who was known to be friendly towards the Irish Bishops. As had been so well pointed out by his noble and learned Friend (Lord Penzance), if the Irish Bishops continued to sit in their Lordships' House after the passing of this Bill they would sit there on a tenure such as had never given any other person a seat in that House. They would not sit as Bishops, but as rotary life Peers, though their Lordships had within the last few days rejected a Bill which would have authorized the creation of life Peers. If an English Bishop resigned his see he did not retain his seat in their Lordships' House.

The Earl of DERBY: But the new Bishop sits in his place.

Earl DE GREY and RIPON: No doubt the new Bishop sat, but he sat as a Spiritual Peer and in right of the barony attached to his see. The course which their Lordships had taken before on this question deserved re-consideration, because it established an anomaly hitherto unheard of in the tenure of seats in this House. The Prelates sitting here would sit, not as Spiritual Peers, but as Temporal Peers, owing to the circumstances that they were once Spiritual Peers of the Irish Church. He did not think the claims of justice required that the clause should pass, and for his own part he hoped it would not become law.

Lord CAIRNS said, he hoped their Lordships would adhere to the Amendment which, after full deliberation, they had adopted on a former evening. The whole of this Bill was a novelty, and an anomaly greater than any that ever was before known in this country, and it was rather strange, therefore, that the whole of the argument of the noble Earl (Earl de Grey and Ripon) was that this provision in the Bill was full of anomaly. No doubt the Government were not pledged on this question; but in Committee when the clause was altered, though the Leader of the House said "Not content," he offered no strenuous opposition—indeed no opposition at all—to the Amendment. Very likely after the Bill became law, if it did become law, the Irish Prelates might be little inclined to continue to sit here. But, unless the desire came from themselves, it was the duty of the House, in accordance with the whole principle on which the Bill was founded, to maintain during the lives of the Irish Bishops the rights and privileges which they now possessed. He did not agree with his noble and learned Friend opposite (Lord Penzance) as to the tenure even of the Bishops of the English Church—namely, that they sat by virtue of their baronies. But that never was true with regard to the Irish Bishops, who sat in this House under an express Parliamentary provision, and not by virtue of any writ summoning them as holding a barony. It was said that the Church was to be disestablished and that the necessary consequences of disestablishment was that the Bishops should no longer sit here. But there was a fallacy in this argument, for the majority of the House had resolved, not on an absolute disestablishment, but to disestablish the Irish Church, preserving all rights, privileges, and advantages belonging to the present holders of offices in the Church. That being so, the simple question they had to ask was, whether the privilege of being summoned to a seat in this House was one of the advantages which at present attached to the Prelates of the Church of Ireland? He did not mean to say that they sat here for their own benefit or advantage, or to support their own views. They sat to discharge a great public trust; but it was at the same time one of the advantages—and by no means an inconsiderable advantage—of their position as Prelates of the Church; and this position was entirely altered if, without their consent, their right of sitting here was taken away. He did not believe that any irritation would ensue "elsewhere" if the clause were retained. If new Prelates were thereby introduced, it might be objected to; but he did not believe that any person could feel irritation because this House resolved to preserve to life holders their present interests; and until he heard from the Irish Bishops that they wished to be relieved from Parliamentary duties, he should support the clause in its present form.

THE EARL of CARNARVON said, he did not think the question was of that first-class importance which belonged to another question presently to be considered; but he was anxious to state in a few words the point of view from which it struck him. It was perfectly true, as the most rev. Primate (the Archbishop of Canterbury) had argued, that the Bill saved existing rights, but it saved them by granting compensation, and it happened, unfortunately, that the right now under discussion did not admit of a money compensation. He objected to the clause as it stood, because the House had, rightly or wrongly, accepted the principle of disestablishment, and because, if there was one outward visible sign of Establishment, it was the presence of Prelates in this House. If, therefore, the Irish Bishops were maintained here, what was it but saying in so many words that after the substance was gone their Lordships would insist on retaining the shadow? Again, he thought that in the interests of the Church it would be a great mistake to insist on retaining the Bishops in this House. If the Bill provided for their appearance here, it indirectly put a moral pressure upon them to be present. But for the next few years there would be numberless questions in Ireland with regard to the future of the Irish Church, and it would be the height of inconsistency and imprudence to induce these Prelates to quit the sphere of duty which was specially marked out for them—to remove them from a spot where their counsels might be of invaluable assistance, and ask them, the heads of the Irish Church, to come over and sit in this House where they no longer had functions to discharge, where they represented no one, and could not even be said to represent the Church which was disestablished.

THE LORD CHANCELLOR said, he wished to direct their Lordships' attention to the point as to how far it would be consistent with the customs and privileges of their Lordships' House that the singular anomaly now contained in the Bill, and which the noble Earl's Amendment would get rid of, should be established for the first time. The first clause of the Bill disestablished the Church—finally, completely, and utterly disestablished it—and another clause dissolved these ecclesiastical corporations. Now, as to the precise position of the Prelates in this House, with respect to which there had been much discussion; the better opinion was that of Chief Justice Hale, who said they were not here simply upon their consecration, or by virtue of their baronies, or by prescription, because the Prelates of the four sees created by Henry VIII. were at once summoned to that House, but by custom and usage of Parliament in virtue of their incorporation and dignity. That incorporation they had put an end to, and there could, therefore, be nothing more singular than the kind of peerage established by the Bill as it now stood. It could not be said that those Peers would be Peers Spiritual, nor that, on any ordinary principle, they were Peers Temporal. Indeed, he did not know how anybody was to describe that species of peerage. He had hoped that those right rev. Prelates, when all their political and temporal functions had gone, when the only result of their sitting there would be to withdraw them from their dioceses, where they had the high spiritual function of building up the disestablished Church in Ireland to perform, would have thought it a serious grievance to any man in their position to be distracted—as the late Archbishop Whately, although, under different circumstances, complained that he was distracted—by being called away from his diocese to sit in that House.

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Amendment *agreed to.*

EARL STANHOPE, in moving an Amendment in Clause 28 (Enactments with respect to ecclesiastical residences), said—My Lords, in moving the addition to the clause which I am about to propose, I am anxious to explain that I do so not solely on my own responsibility, but in concert with and at the request of some of the most eminent Members of your Lordships' House. But although I am acting in part at the request of others, I must add that I never rose with a clearer conviction that the course I advocate is a just and right one. I am calling on your Lordships to affirm the policy planned by Mr. Pitt, and since his time more or less explicitly avowed by almost every statesman of eminence in this country. That policy was first stated by Mr. Pitt in his well-known letter to the King, of January, 1801, the immediate precursor of his retirement from Office. In that letter he stated that it would be most desirable that the Roman Catholic priest of Ireland should receive some part of his provision from the public funds. But did Mr. Pitt say that this involved any sacrifice of principle, any renunciation of our Protestant views? On the contrary, he recommended it "as a most important additional security, of which the effect would continually increase." And herein I may say in passing lies, I think, one main merit of this proposal at the present time. Its effect would not be instant or immediate, but it would go on increasing for the public good from month to month and from year to year. But, my Lords, not only is the proposal of Mr. Pitt to the King well worthy attention, but its reception also by the King. You are aware that George the Third steadily opposed all concessions of civil rights to the Roman Catholics, and sooner than yield those claims he sacrificed his Minister, and I believe would have sacrificed his Crown. But he stated then that, wholly as he abhorred the concession of civil rights to the Roman Catholics, he fully and unreservedly admitted that some provision should be made for their clergy. Surely that is a circumstance of no slight moment, considering how highly the opinions of George the Third are still esteemed and valued by persons professing high Protestant tenets. I will not detain the House by going through all the phases of this question, from the time of Mr. Pitt to the present; but I may observe that in Ireland there have been from time to time indications on the part of Protestants of a conciliatory and far-sighted spirit towards their Roman Catholic brethren. The Dean of Westminster, in a very able pamphlet, gives this remarkable fact, that when the first Roman Catholic chapel was founded in the town of Derry, the Protstant Bishop of that place was one of the principal subscribers. He also quoted some words of Dr. Law, Bishop of Elphin, spoken in 1790, which are especially deserving your attention—

> "Since," he said, "I am unable to make the peasants about me good Protestants, I wish to make them good Catholics, good citizens—good anything. I have therefore circulated among them some of the best of their own authors."

I say that is the spirit in which we ought to legislate in respect to Ireland. In the progress of this measure we have been sometimes met by the assertion that this proposal would not accord with the wishes of the Roman Catholic Prelates in Ireland, but I rejoice that very recently the noble Earl near me (the Earl of Denbigh) took occasion to remove an erroneous impression which in a moment of misconception he had created, and it now appears that nobody at all entitled to speak the sentiments of the Roman Catholic Prelates has declared against the proposal which I have now the honour to submit. But, even if such an opinion had been given, I must confess that I never looked upon this question as one of treaty or compact with the Roman Catholics. In the first place, it is a question which concerns the Roman Catholic laity fully as much as the Roman Catholic clergy, since it is obvious that if we are allowed to provide in any manner for the Roman Catholic clergy from public sources, it proportionately lessens the weight upon the Roman Catholic laity. But, above all, I think the merit of the proposal lies in this, that it is absolutely without pledge or condition. They may leave it alone, but if they take it, it is free from every sort of condition except this—to keep in repair the houses you are to build for them, and in like manner to keep in cultivation the lands you may annex to their dwellings. But, besides, I must say that I think in Ireland, of all countries, you cannot expect at the outset an immediate indication on the part of the Roman Catholics of a readiness to accept overtures of this kind. And here I would remind you of the words of a very eminent man whose loss we all, on more than one trying occasion, have had reason to deplore. Sir George Lewis has said—

> "In Ireland, far more than in England, improvement and civilization must proceed from above; they will not rise spontaneously from the inward workings of the community."

These, I think, are wise words. Depend upon it if you wish to do good in Ireland, you must take the initiative; yours must be the hand to impel, and not the foot to follow. I will certainly not deny that in Ulster a large majority of Protestants are opposed to any concessions to the Roman Catholics, but I must say, as coming within my own knowledge from communications I have received, that this feeling has been greatly lessened from the desire of the Presbyterians to avail themselves of the same stipulations, because it has been manifest that if they desire to have this boon they must be prepared to extend it to the Roman Catholics. But, as regards the other three provinces of Ireland, though, as was truly said, we are not to expect any initiatory proceeding from them, there is, as I believe, a general wish that this proposal should receive your approbation. Now, the real question is this—is Ireland to be governed according to the wishes of the Irish people, or according to the wishes of the Scotch Presbyterians and English Nonconformists? In the former case, I call upon you to accept the present proposal. In the latter you may, no doubt, be disposed to reject it. Now, I do not wish to speak disrespectfully of the feelings of Scotch Presbyterians and English Dissenters even when it seems to me that there is little of reason on their side. The Presbyterians and Nonconformists who argue the point make it out in a manner quite satisfactory to themselves. They say—"Protestant principles are sound and true; those of the Roman Catholics are erroneous, and the State is to blame if it does the least thing or contributes in the smallest degree to the maintenance of erroneous principles instead of sound ones." But there is a fallacy which underlies this argument, which is, that you have not the choice of instructing the people between the Roman Catholic and the Protestant faith, because the people will not receive Protestant instruction, and the choice is between Catholic instruction and none at all. My Lords, it is instructive to view how foreign nations contemplate our acts, and I dare say many of your Lordships have read in *The Times* of this morning a very able letter, signed only with an initial, which gives an account of a striking essay bearing on the question now before us in the *Revue des deux Mondes*. As I had recently read that essay it is probable I should have referred your Lordships to it even had that notice not appeared in *The Times* this morning. The essay, written by M. Emile de Laveleye, a writer of great eminence, discusses the principle which should regulate the position of a clergy, and states that there are three systems which might be adopted with regard to them. In the first place the priests might be left entirely dependent on the free-will offerings of their flocks as in Ireland; secondly, a salary might be given them by the State, as in France; and, thirdly, a sufficient demesne might be set apart in each parish for the benefit of the priest. After discussing these three systems, M. de Laveleye declares that the first two have not been sufficiently successful for adoption, and gives his decided adhesion to the third. The true system, he says, would be to incorporate the congregations of each parish, vesting in them a limited demesne as glebe. This I know to be also the wish of many practical men among ourselves most conversant for many years with Irish affairs. Now, before I say a word to show how the plan I advocate would be a benefit to the Roman Catholic priests, I wish you to see how greatly it would benefit the disestablished Church. It was strikingly shown in the evidence brought before the Church Commission that in many parishes in Ireland the Protestant clergy are unprovided with parsonage houses and glebes. The diocese of Down and Connor, which is beyond all question the most populous as far as Protestants are concerned, has more than fifty parishes in which there are no glebes; the next diocese in order of importance as regards Protestant population is the diocese of Armagh, and that has more than twenty parishes without glebes. Surely, then, when the Church is disestablished and placed upon the same footing as the Roman Catholic and Presbyterian Churches, it will not be undesirable to remedy this defect by applying to it the new footing of equality. Supposing these parishes to be as I have stated, and as I believe them to be, with hundreds and thousands of Protestants, without residences for their clergy, surely we are, upon that footing of equality, entitled to ask that out of the surplus these residences shall be provided. As to the other point — the giving of residences to the priests —I submit to your Lordships that it has always been held to be most desirable if possible to connect the Roman Catholic clergy with the land of Ireland, and thus establish a kinder feeling than now prevails in many cases between the priests and Irish proprietors. I listened with the greatest interest to the remarkable speech delivered the other night by my noble Friend (Lord Taunton), who, I regret to say, is prevented from remaining here this evening through indisposition. Your Lordships will remember what a touching picture he drew of the scenes he witnessed during the time of the famine of 1846, when he acted as Chief Secretary to the Lord Lieutenant of that day. He described how Protestant and Roman Catholic clergymen were admitted side by side into his office to plead with a common voice for their suffering parishioners; and we must all agree that it would be well if that unanimity were not confined merely to periods of calamity and destitution, but could be as it were continuous, and that Roman Catholic and Protestant clergy were always found working hand in hand for the improvement of the condition of the people of Ireland. How can this be done? Surely you cannot expect this desirable state of things to follow unless you put the two bodies on a position of absolute equality. It cannot follow if, after this attempt at reform, the Protestant clergyman after the spiritual labours of the day is seen to retire to a comfortable house, and the Romish priest, in many cases, has to betake himself only to a mud cabin. Can you expect equality of feeling and common action to result from such a state of things? My Lords, the Bill as it now stands merely demolishes the old system, and I call upon you to re-model what you destroy. Do not be content with the demolition the Bill will bring about, but strive to lay the foundation of another system which will be acceptable to many on this side of the House, as the best substitute for a system they would, had the choice been theirs, prefer to retain intact. Now, my Lords, I will call your attention to the course taken by the late Sir Robert Peel on two memorable occasions resembling this. The contrast will not weigh heavily in the estimation of some of your Lordships, who owe no special allegiance to the memory of Sir Robert Peel, but, perhaps, there are some of the present Ministers who stand in a different relation to him. In 1828, when the Roman Catholic question was at issue, Sir Robert Peel came to the conclusion, contrary to his supporters, that it was necessary for the public welfare, if not for public safety, and even to avert a possible war, that concessions should be made to the Roman Catholics. He was aware that concession was unpopular with the greater part of his supporters and the majority of the constituencies that returned high Protestant Members but he thought it was nobler to do what he considered to be a benefit to his country than to study how he might most surely retain power in his own hands. Perseverance carried him through the immediate question, but not the results of that question in the minds of his followers; and, in the ensuing year, he was expelled from Office. Again, in 1845, Sir Robert Peel came to the conclusion that the feeling that had arisen against maintaining an artificial price of corn must be allowed to prevail, and in opposition to his party he carried a measure which he believed was for the welfare of his country, and again, for the last time, he was expelled from Office. But here we have Ministers preferring the preservation of their power to a measure which, according to their own avowal, would be for the welfare of their country. The noble Earl the Secretary for the Colonies told us he was distinctly in favour personally of giving glebes to the Roman Catholics. Another noble Lord (the Lord Privy Seal), in the course of his speech, indicated a precisely similar opinion. In the abstract he approved the policy I advocate; but he declined to support it, on the ground that, under present circumstances, it was inconsistent with the popular voice. I cannot but think, my Lords, that, when these different systems of dealing with public questions come to be estimated in future years the verdict of history will be that the Government of this day have acted directly in the teeth of the example set them by Sir Robert Peel; that they refused to do that which they were convinced was, in the abstract, right, rather than run the least risk of sacrificing power; that they set themselves to catch the passing breeze, and listened on which side the wind might happen to blow. I still maintain that it is our bounden duty to do that which is best for the public interests, regardless of the loss of popularity or power. I cannot but think how different from the conduct of the Government would have been that of Sir Robert Peel under similar circumstances. The debate on this question commenced this evening at a later hour than I had anticipated, and there may be other Peers desirous of expressing their sentiments, and I shall, therefore, abstain from trespassing at greater length on your Lordships' time. The measure, as you have framed it, has thus far brought no peace whatever either to Roman Catholics or Protestants. On the side of the former it has raised many unreasonable expectations, which you will find it impossible to satisfy; and on the latter it has created most bitter heartburnings, which it will be hard at once or ever to appease. Even now, on this 12th of July—that day so often fraught with bitterness in Ulster—we are waiting with suspense and anxiety news of what may be the effect of the irritation and asperity of feeling produced in Ireland. I say the Bill has not brought peace, but a sword. It is for your Lordships to consider whether the provision I propose will not be the harbinger of peace. I can scarcely describe the importance I attach to it. This is the last time it can be brought forward in this House, and if — as I am not without some grounds for hoping—the other House should be inclined to accept it, your Lordships may, by passing it, be enabled in far distant years to look back with complacent satisfaction to the course you had courageously pursued, and may give the Irish people down to the latest generations cause to honour and to bless your memory.

*Moved* to insert, in page 17, line 2, after ("therein")—

(Church body to certify that the residences are required.)

"Provided always, that the said church body shall, in their application for any such residences, certify that the same are required as such for the archbishops, bishops, or clergymen, as the case may be, of the said church."

(Commissioners to annex glebe lands to the residences.)

"And in any case, where any such residence and curtilage shall be so vested in the said body, the said commissioners shall upon their application also vest in them such lands, or such portion of such lands hitherto enjoyed with such residence, as may be suitably annexed thereto hereafter as glebe lands."

(Lands not to exceed 30 acres for bishop or 10 acres for clergyman; but the quantity may be varied according to convenience or injury by severance. The commissioners, subject to approval of Lord Lieutenant, to provide suitable houses and glebe lands.)

"Provided that such land shall not exceed thirty acres in the case of any archbishop or bishop, or ten acres in the case of any other clergyman of the said church.

"But the said commissioners shall have power to vary the said quantities of land, where necessary for its convenient occupation, or where loss or injury might result from its severance.

"And the said commissioners shall also (subject to the approval of the Lord Lieutenant of Ireland in Council) out of the proceeds of the property by this Act vested in them, provide suitable houses of residence with lands of accommodation annexed thereto as glebe lands, for the following ecclesiastical persons:"

(1.) (For clergy of disestablished church where none is provided.)

"(1.) For any archbishop, bishop, or other clergyman of the said church, in any case where a suitable house of residence and glebe lands shall not under the foregoing provisions have been vested in the said church body for the use of any such archbishop, bishop, or other clergyman of the said church."

(2.) (For Roman Catholic prelates and clergy.)

"(2.) For any archbishop, bishop, parish priest, or other clergyman of the Roman Catholic church who shall have spiritual charge of any separate parochial or other territorial district, according to the regulations of the said church."

(3.) (For Presbyterian church.)

"(3.) For any clergyman or minister of the Presbyterian church, who shall have spiritual charge of any separate territorial district, according to the regulations of such church."

(Quantity not to exceed 30 acres for prelate or 10 acres for other clergyman.)

"Provided always, that the land so to be annexed shall not exceed thirty acres in the case of any archbishop or bishop, or ten acres in the case of any other clergyman or minister of any of the said several churches."

(Commissioners may purchase or build houses and purchase or assign lands.)

"And the said commissioners shall have power to provide the said houses either by purchase or by defraying the expenses of their erection, and the said lands either by purchase or by assignment of the lands vested in them by this Act."

(Lord Lieutenant in Council to declare persons to hold houses and lands in trust for Roman Catholic and Presbyterian clergy.)

"And the said Lord Lieutenant in Council shall, by proper rules, declare and define the persons in whom the said houses and land shall be vested for the use of the archbishops, bishops, and other clergy of the said Roman Catholic church and for the clergy of the said Presbyterian church."

(Houses and lands to be vested in such persons in trust for residence and accommodation without power of alienation, and with obligation to maintain in proper repair and condition.)

"And the said Commissioners shall by order vest the said houses and lands in the said persons, upon trust for the said purposes of residence and accommodation, without power of alienation, or of use for any other purpose, and subject to the perpetual obligation to maintain the said houses in proper repair and the said lands in proper condition."—(*The Earl Stanhope.*)

LORD HOUGHTON: My Lords, during these long debates one aspect of the Bill has been present to my mind which appears to have escaped remark. The Bill has been designated as revolutionary, and assuredly it is in its great historical aspects and in the fact that it deals with a question exercising great power over the minds of men and influencing the destinies of a nation. At the same time I do not think there is another instance of an important measure that will have so little practical result as this. Let me put the case in a plain practical way, and I think your Lordships will see it has a strong bearing upon the question under consideration. Revolutionary as this measure is, it most honestly and carefully respects the vested rights of every individual, with the single exception of the right of the Irish Prelates to seats in this House, with respect to which your Lordships have been unable to come to a satisfactory conclusion. With that exception, from the Primate downwards, there is not one minister of the Church of Ireland who will be any the worse for the measure. Your Lordships, therefore, will not give the Catholic Prelates the pleasure and gratification of having an equal rank in ordinary society with the Bishops of the Protestant Church; so that when the Archbishop of Dublin and Cardinal Cullen come together the former will preserve the precedence hitherto accorded to him. It would have been easy to have arranged that point by allowing precedence according to seniority. The Protestant clergyman, with a congregation consisting of the policeman and clerk, their wives, and three or four others in a parish containing 1,000 Roman Catholics, will retain his church, his house, and all the privileges of his position for the remainder of his life, and he may be a man of twenty-five. The practical effect of this will be that through the whole of Ireland the change effected will be very small. No doubt, to the thoughtful Roman Catholic there will be the satisfaction that as the Prelates, and clergymen, and curates disappear, so will the ascendancy of a hostile Church, which ultimately will be left in all the nakedness of voluntaryism. But what is your object? What do you want to do now? You want to neutralize the Fenian spirit; you want to give immediate satisfaction, not only to the Prelate in his chamber, but also to the peasant in his cottage; you want to bring about a change in the relations of England and Ireland. That you will not affect by this Bill. All relations will remain exactly the same as they are now, with the result inevitably produced by the clergymen of the Church of Ireland in the remote parts of the country losing the political and conventual status which has hitherto invested them with a certain dignity. Therefore, it seems to me, unless you do something like that which is proposed by this Amendment, you will really have done nothing for the peace of Ireland. For the practical effect we wish to produce it would be far better to pass this provision than all the rest of the Bill. I would call upon those who oppose this Amendment to consider whether, by passing it, they will not invest the Bill, in the eyes of the Irish peasant, with a remedial and practical character, and whether they will not do more than they can by any other means to satisfy an imaginative people that they want to establish now and in the future religious equality in Ireland. Nothing can be more various than the opinions attributed to the Roman Catholics in reference to this proposition. At one time the Roman Catholic clergy of Ireland would have been perfectly ready to accept a State endowment. But there has gradually grown up in the Catholic Church a spirit which has its dignified side, and of which I do not wish to speak with disrespect. Recently it has been the policy of that Church to separate itself from the States with which she has been connected. The spirit which has given rise to that policy is manifested in Ireland, but not more there than in other countries. In France the Catholic Church has shown that spirit, and recently there has been a still more signal instance of its effects in the action of that Church towards the Court of Austria. No doubt, therefore, there would be a great disinclination on the part of the Court of Rome that the priests of Ireland should come into any connection with the Government of this country which would carry with it the slightest taint of interference with their independence. My Lords, some time ago, I held communications on this subject with some of the highest Prelates of the Roman Catholic Church. Of course, it would be indecorous on my part to go into details; but I may say that I left the Court of Rome with the full conviction that the free and unconditional grant of houses and lands to the Irish priests would not be unwelcome to the highest authorities of that Church. Owing to the circumstances in which that country had been placed, the Roman Catholic clergy of Ireland have been placed in a position of absolute submission to episcopal authority. There is less independence among them than among the clergy of any other part of Europe. That may have ecclesiastical advantages, but certainly it has social disadvantages. Again, the Roman Catholic clergy of Ireland are not taken as we could wish them to be from the upper and the middle classes of the country, but almost entirely from the peasantry. Then the Irish priest is not a person of sufficient education or social position to render him comfortable in the society of Protestants or of the upper classes of his own religion. That may be said without meaning disrespect to either side. It would be a great advantage to Ireland to improve that state of things, and I think Sir Robert Peel had quite as much difficulty in passing the Maynooth measure as the Government would have in carrying such a scheme as the one now suggested. They would have to encounter the ill-will of the Nonconformists; but I believe that for support of such a policy they might with confidence appeal to the intelligence of a large majority of the House of Commons.

THE DUKE OF SOMERSET: My Lords, I think we are engaged in one of the most disagreeable tasks that this House has ever been engaged in. The measure is disagreeable to noble Lords opposite, and I think Members of the Liberal party must be ashamed of it. I do not think this measure is entirely agreeable to anybody, though it obtains the partial approbation of the different sects whose prejudices have been appealed to. It pleases the Nonconformists in their hatred of religious Establishments; it pleases the Presbyterians in their hatred of Episcopacy; it pleases the Roman Catholics by offering them the destruction of the Church of Ireland; and it pleases Protestants generally by doing as little justice as possible to the Roman Catholics. It is not, therefore, in any sense a Liberal measure. We are told that the country has made up its mind—that the country is determined to have the measure as it came to this House. Whose fault is that? If Mr. Gladstone had only used one-half the ability he has spent in denouncing the Church of Ireland in explaining to the people the real state of the case, I think the result would have been very different. If he had told them to look at what we have been doing for the last thirty years; how we have been educating the priests of Ireland, and doing it with the public money; how we have been teaching the priest the best way to oppose the Protestant religion, and then when he has been so taught letting him live in a hovel—would anyone say that when we have taught the priest and intrusted him with the instruction of the people we ought not to give him some moderate means of living? Such a gift as that now proposed would be one not to the priests, but to the people of Ireland, who have the greatest reverence for their clergy. If there be any man who more than another is responsible for the misfortune of this Irish Church question, I say that man is Mr. Gladstone. He it was who said that the Irish Church ought to be upheld in the sacred cause of truth; that it must be supported because its mission was divine. It was on account of those sentiments Oxford received him with delight. But, like Coriolanus, he returned to destroy that which he had before upheld. I think, however, that as he has changed his opinion he ought to make allowance for those who were convinced by his former arguments. I confess that I was not among the number. I regarded those arguments as vain, and I think many of his present arguments are vain also.

He runs from one extreme to the other. With him there appears to be no halting-place between the torrid and the frigid zones. At one time he laid down that we ought to support the Irish Church on the ground that she taught the truth. Now he advocates the voluntary system in Ireland. The voluntary system has its advantages—it has enormous advantages; but I ask any statesman knowing the condition of Europe, and seeing what are the religious opinions moving in different countries, whether this is a moment at which it is right to take away from Ireland an educated clergy? I think that would not be a statesmanlike proceeding, but a most unwarrantable, dangerous, and mischievous course. My Lords, I do not want to again go over a question of which we have heard so much already. We are told that this is a statesmanlike measure. My Lords, a statesmanlike measure does not destroy everything. It constructs something; but this measure constructs nothing at all. Is it a statesmanlike policy that destroys everything and leaves nothing? You are asked to take away the endowments of the Church in order to give them to lunatic asylums—to take away the educated clergy and to apply their incomes with old nurses. It is impossible that this Bill can be called the measure of a statesman—it does very well to speak about it at public meetings, because it is just the sort of thing to answer for that purpose, but when it comes to be examined and criticized it is pulled to pieces on every side. I own I should have wished to have seen a measure upon this subject brought in which would have settled the question in the course of the present year, but this measure, if carried without the provision for the appropriation of the surplus, will keep the matter open for the rest of my natural life. Then there is this unfortunate Church Body, which is to lie upon the operating table for the next ten years, while the three judges, sitting like Rhadamanthus, Minos, and Æacus, condemn with stern severity. In attempting to put a little generosity into the Bill—which very much wanted it, for it was a most niggardly measure—we have gone a little too far on one side. It was a little too strong to give the disestablished Church those Ulster glebes as being private endowments because they had been originally granted by the Sovereign. The proper view to have taken of those glebes was, that when the purposes for which they were granted ceased, they should have reverted to the Sovereign. I do not, therefore, see how the disestablished Church is to keep these glebes; but, on the other hand, I should have wished to have dealt generously with the Church, with the Roman Catholics, and with the Presbyterians. I have voted in favour of this Amendment before, and I shall have great pleasure in doing so again.

THE EARL OF KIMBERLEY: My Lords, the noble Duke behind me (the Duke of Somerset) puts the Bill to a very fair test when he asks whether or not it is a statesmanlike measure? He says that the Bill as it now stands is likely to keep the question alive for his natural life. That is just the difference between the measure as introduced by Mr. Gladstone and the Government in the other House—which, whatever its merits or its demerits, would have been a final one, and would have satisfied the true interests of the nation—and the measure as it now stands, after having been so altered and disfigured in this House that its friends would scarcely know it again. And after the Bill has been thus changed the noble Duke turns round and says—"See what an unstatesmanlike measure this is." The noble Duke forgets that this measure belongs, not to Mr. Gladstone, but to this House. The noble Duke, in his eagerness to damage the Bill, forgets whose Bill he is damaging. And now let us look at this statesmanlike clause proposed by the noble Earl opposite (Earl Stanhope) which the noble Duke behind me is supporting. Recollect, we require not a mere abstract proposition, fit to form the subject of discussion at a debating club, but a clause that will work practically. Now, in the first place, this clause bears upon its face the mark of having been prepared by those who have not communicated with those bodies with which it proposes to deal, and who are utterly in the dark as to the wishes upon the subject of the Roman Catholics, the Presbyterians, and the Church Body. It proceeds to say—

> "And the said commissioners shall also (subject to the approval of the Lord Lieutenant of Ireland in Council) out of the proceeds of the property by this Act vested in them, provide suitable houses of residence with lands of accommodation annexed thereto as glebe lands, for the following ecclesiastical persons . . . (3.) For any

> clergyman or minister of the Presbyterian Church, who shall have spiritual charge of any separate territorial district, according to the regulations of such church;"

And then it goes on to say—

> "And the said Lord Lieutenant in Council shall, by proper rules, declare and define the persons in whom the said houses and land shall be vested for the use of the archbishops, bishops, and other clergy of the said Roman Catholic church and for the clergy of the said Presbyterian church."

My Lords, there is no such thing as a clergyman or minister of the Presbyterian Church having spiritual charge of any separate territorial district, neither is there one Presbyterian Church in Ireland. The Presbyterian body in that country is split up into many portions. First of all there is that portion of the Presbyterian Church which is represented by the General Assembly; then there is the Secession Synod, the two Synods of Antrim, the Synod of Munster, the Remonstrant Synod, and other Synods; and in order to provide for the ministers of all these bodies separate grants of glebes would have to be made. Then, as regards the feelings of the Roman Catholics upon this question. The noble Earl has referred to the plan proposed by Mr. Pitt, but under that scheme the Bishops of the Roman Catholic Church were to enter into an arrangement with the State, under which certain provision was to be made for that Church, whereas the clause proposes that the Lord Lieutenant in Council shall declare and define the persons in whom the said houses and land shall be vested for the use of the Archbishops, Bishops, and other clergy of the Roman Catholic Church. Now, the noble Earl who proposes this clause should have known that the great difficulty in the way of concurrent endowment has been that it has never been possible to devise a plan by which the Government could put themselves in communication with the Roman Catholic clergy of Ireland. If it is the object of the clause to make the Roman Catholic Bishops their own trustees, why does it not say so plainly? But if its object is to make a body of Roman Catholics lay trustees, with interests differing from those of the Roman Catholics Bishops, it will most signally fail. It is rather too much to require the Lord Lieutenant in Council to make delicate arrangements which Parliament declines to make for itself. The noble Earl opposite (Earl Stanhope) has asked whether we are to be guided in this matter by the opinion of Scotland or by that of Ireland. But I say you have no right to assume that there is an opinion in Ireland in favour of the proposal now under discussion. You are bound to accept as the opinion of the people that which has been expressed by their representatives in Parliament and by their ecclesiastical bodies, and in every case they have declared that they will not accept a scheme of this kind. The subject has been so often discussed that one should speak very shortly upon it, and therefore I will merely address one further observation to your Lordships with reference to it. The noble Earl opposite has claimed me as being a supporter of the principle of the clause in consequence of an observation which fell from me the other night. I admit that I have sometimes hoped that some scheme of this kind might be adopted, but I distinctly stated last year when the Suspensory Bill was under discussion, that under the circumstances, and taking into consideration the feelings of the great body of the people, it would be impossible that such a scheme could be adopted. I must also confess that I should not like to see Mr. Gladstone, after opposing the scheme of levelling up, and after having taken the vote of the country upon it, turn round now and advocate an opposite policy, and therefore, my Lords, I feel bound to oppose this proposal.

THE EARL OF GRANARD admitted that the Amendment was expressed in a generous spirit towards Irish Roman Catholics, and that the residences of many of the priests were quite inadequate; but in most parts of Ireland this evil had been removed, to a great extent, by the generosity of the people. To that generosity he preferred to trust for a further remedy; and believing, as he did, that fresh State endowment was contrary to the spirit of the age, he could not hesitate to record his protest against the Amendment. In 1795 Burke advised the Catholic hierarchy to trust to God's good providence rather than to State endowments, and he believed that this sentiment still prevailed not only among the Catholic hierarchy, but the Catholic population of Ireland. The Bishops who met in Dublin on the 3d October, 1867, had resolved that, notwithstanding the right and claim of their Church to the revenues of which she had been unjustly deprived, they would not accept endowments from the State out of the property of the Established Church, nor, indeed, any State endowment whatever. These resolutions had never been rescinded, and were the last manifesto of the Catholic hierarchy on this subject. No one, therefore, had a right to say that the Catholic hierarchy were ready to accept endowment from the State. Moreover, the resolutions to which he had referred were in perfect accordance with the Bill now before the House, and, on the part of his co-religionists he denied authoritatively any disposition among the Prelates of his Church to accept houses or glebes for the use of the clergy. Considering these resolutions, and the immense amount of support given to the Bill by the Nonconformists on the understanding that no part of the Church property should be applied to religious purposes, it was impossible for an Irish Roman Catholic to vote for the Amendment unless at the expense of his consistency — he had almost said of his good faith. The Catholics of Ireland had demanded the disestablishment and disendowment of the State Church, and political and social equality in place of the political and religious ascendancy which had been so well described by an eminent Protestant divine, the Rev. Dr. Brady. The Bill of the Government fulfilled these conditions, and, therefore, in common gratitude, as well as from conviction, he was bound to vote with the Government on the present occasion.

THE DUKE OF LEINSTER: My Lords, I merely wish to state a fact which is within my own knowledge. Some years ago I built a house in the town of Athy, and gave it to the priest, who accepted it, and was most thankful for it. Since that time I have had some Scotch tenants, who built a Presbyterian Church. I gave them the land, and assisted them to build a manse. They accepted that assistance most gratefully. Strange to say, there was no residence for the Protestant clergy. I bought a residence for them, made it over to them, and am happy to say that the three denominations are all living now in perfect peace and tranquillity.

THE EARL OF DUNRAVEN said, that, having voted for the Amendment on a former occasion, he had been charged with something like a breach of faith for so doing. A noble Earl (the Earl of Denbigh) had given the impression the other evening that he represented the Irish Catholic Peers on this subject. All he could say was that he was by no means represented by the noble Earl (the Earl of Denbigh), however much he might respect him. When the Bill passed a second reading he was sanguine enough to imagine that their Lordships had sanctioned the great principle of religious equality as applied to Ireland. But the present state of the Bill had woefully disappointed the hopes of his co-religionists. So far from being a measure of disendowment, it had now become a measure for the re-endowment of the Protestant Church, and the Amendments introduced by their Lordships into the Bill had given that Church several millions more than was contemplated in the Bill as originally presented to them. It was rather hard, therefore, to believe, that the principle of religious equality was maintained in the Bill. He was one of those who wished on principle that this measure should have been carried out on the principle of levelling up. However, he was quite aware that, owing to the state of feeling in England, such a plan was perfectly impracticable, and therefore there was no use in wasting words in its favour. But as far as the proposal of giving glebe houses and a few acres of land to the Roman Catholic clergy was concerned, that could hardly be fairly said to come under the name of concurrent endowment. Everyone who knew the state of many parishes, particularly in the South and West of Ireland, must feel that it would be a great boon if the priests of those parishes could receive a sufficient sum to build them decent dwellings. There was no doubt that this would place the priests in a social position which was much to be desired, particularly when we remembered that the Protestant clergy would retain their glebe houses. He should be most sorry if, by the possession of these houses, the priests became less dependent on their congregations and aroused any jealousy among their people. But this argument which had been used against the plan now proposed did not seem to him to be of any weight. A far more important argument was that the Catholic Prelates had made no move towards asking for any endowment, but had rather repudiated any payment out of the revenues of the Protestant Church. He asked their Lordships to remember, however, that the one great object of the Catholic clergy was religious equality, and they would give up anything rather than risk that great object; and they thought they would come before the public in a more dignified manner if they put forward no demand on their own behalf. In arguing against the efficacy of the voluntary system, a noble Earl (the Earl of Derby) had, on a former occasion, quoted an instance in which a Catholic Bishop had imposed a tax of 5*s.* in the pound on the members of his Church throughout his diocese in order to erect a church. He did not know to what diocese the noble Earl alluded, but this must be taken as a very extreme case. Another case had come under his own observation which, he thought, was far better calculated to convey the feelings of the people. Some years ago, in the city of Limerick, a large church had been commenced, and the late Bishop, Dr. Ryan, thought the opportunity a good one for making it the cathedral of his diocese. There was no pressure employed, and he obtained the sum of nearly £9,000 from the poor people of the diocese. That was a noble and creditable act, and one worthy of any country or any diocese. He could not but think that the language which had been used as to the Roman Catholic priesthood wringing contributions from the poorest of the Irish people was not just or fair. It was no exaggeration to say that there was no country in Europe where contributions were given for religious objects more willingly or with less pressure than was done by the Roman Catholic population of Ireland. He thanked a noble Lord (Lord Taunton), who spoke on a recent occasion, for the earnest, impressive, and, he believed, most just eulogy he had pronounced upon the conduct of the Roman Catholic clergy during the period of the famine in Ireland. He alluded to the noble Lord who was at the time Chief Secretary for Ireland, and he thanked the noble Lord, not only on his own behalf, but on behalf of his Roman Catholic fellow-countrymen, for that well-merited tribute. He would also call to their Lordships' recollection the conduct of the Irish Roman Catholic clergy at the time of the attempted rising in 1848, when he had it on the authority of no less a person than the leader of that movement that it was the conduct of the priests which crushed all his hopes. Their Lordships were also well aware of the decided course taken by the Roman Catholic clergy against the Fenian movement. That clergy had always been found on the side of law and order; and it would be, he thought, a poor return to make to them when they were striving, aided by the voice of the people of England, to obtain religious equality for their country if they were now to be disappointed of its realization. He knew that he had no claim as a humble Member of that House to make this appeal, but he made it with all possible earnestness, simply as one who had lived all his life in Ireland, and who knew pretty well the feeling of the Irish Roman Catholics. What he wished to state to their Lordships was this—that they might be perfectly certain they never would remove the discontent which existed in that country, nor ever obtain the confidence of the Irish people in British rule and in the British Parliament, until they laid the foundation for it by a real *bonâ fide* measure of perfect religious equality. They never would remove the discontent of the people of Ireland until they succeeded in inspiring confidence in the justice of British rule in the minds of the religious teachers of that people—those teachers in whom it was natural that the people should confide as their guides, not only in matters purely spiritual, but in all those concerns which affected the social and material improvement and prosperity of their country. And he did not think any measure that could be adopted would be more calculated to produce that effect than for Parliament to let that clergy and their people both see that it was determined to carry out fully this great principle. He might, indeed, quote the concluding words of a Petition which he had recently presented to their Lordships, and say that if that Bill were passed in its integrity their Lordships would deserve the lasting gratitude of the Irish people by establishing among them the principle of religious equality, the true source of peace, prosperity, and contentment.

THE EARL OF HARROWBY: My Lords, there are so many of your Lordships, especially those who are connected with Ireland, in favour of the Amendment of the noble Earl, that I desire to say that, taken in itself, I not only see no objection to it, in itself, but so far from it have supported a similar proposal on a former occasion. Indeed, in this Bill, such as it is, it is the only green spot upon which the eye can dwell. The rest is mere ruin and destruction; this pretends at least to construct something; to extract something for her out of a mass of pure negation. But, at the same time, there are difficulties at present which interpose fatal obstacles in the way of this proposal. In the first place, what is it that has induced you to go into Committee on this Bill at all? The great majority of your Lordships were opposed to it root and branch; not only to its details, but to its principle. I did my best to induce your Lordships not to yield to the public current, but to carry out boldly the opinions you entertained. Your Lordships did not agree with that view; you thought you were bound to bow to the opinion of the country and go into Committee on the Bill. You went into Committee at all for no other reason. Now, nothing is more clear than that if it had not been stated to the constituencies that endowment of any kind to the Roman Catholic Church was entirely out of the question, we should not have had to go into Committee at all, for we should have never had this Bill. If there was one point more than another upon which Conservative seats were lost, and the present majority of the House of Commons was formed, it was the pledge that when the property of the Irish Church was taken away there should not be an atom of endowment to the Roman Catholic Church. If, then, pressure was put upon your Lordships to go into Committee on account of the current of public opinion, then, I say, it would be to go directly contrary to that which alone induced you to go into Committee at all to accept this Amendment of the noble Earl's; to pick out that one matter which the House of Commons and the country are most distinctly pledged against; to say the least of it, a most extraordinary course of action, most fatal to your own policy. If, indeed, we had had encouragement that this proposal would be accepted by Her Majesty's Government, your Lordships might have considered that it would be well to make some public sacrifice of standing with the country for the purpose of settling a great question. But we have no encouragement of that kind. There is another point to which my noble Friend opposite (the Lord Privy Seal) has alluded, which has always struck me as a great practical difficulty. How are you to carry the proposition out? On all former occasions, when the question has been brought forward, it has been carried out after negotiation and arrangement. But here you are going simply to create a property and invest it in trustees. But for whose benefit? You will say for that of the parish priest? Who is he in the eye of the law? There may be a difference between the clergyman and his Bishop—there is an appeal to the Archbishop, and from thence to the Pope. Are you to wait for a decision from Rome before you can settle to whom the house is to belong which you are going to give before you put in motion the sheriff's officer or an action for ejectment? There are practical difficulties of this kind, in dealing with a body whose law you do not recognize, and know nothing about, which it would be extremely difficult to overcome. And observe this. One of the Amendments carried in this House keeps the surplus over—and if public opinion and public feeling should change, there would then be the time to deal with the question, and to make the necessary arrangements with the authorities. So far as you have gone already, you have in no case gone against the public feeling, deference to which led you into Committee. With all your Amendments you have indeed in no point exceeded these limits, within which the language of the promoters of the Bill during the elections authorized you to act. In this point alone would you step aside to set yourself in direct opposition both to the Government and the country. Under these circumstances, still entertaining a desire that there should be a recognition of the Roman Catholic clergy, and believing that it would be a wise measure to place them in decent houses, though with great reluctance, I shall feel bound to vote against the Amendment.

EARL RUSSELL: My Lords, it has been said that, with respect to disestablishment, the House decided that question on the second reading. But with regard to disendowment, the question arises how are you to give equality; for that, it is generally admitted, ought to be the principle, and the people of England and the people of Scotland who voted for the Liberal candidates did so, I believe, with a feeling of generosity towards Ireland, and a wish that the religion of the great majority of the people should be on an equality with that of the other sects in that country. Now, I was speaking to a gentleman, a few days ago, who thinks that the Catholic clergy are very ill provided with dwellings, and he told me that in the South of Ireland he went to see an old parish priest eight-five years of age, and he found it impossible that any carriage could get near the hovel in which the old priest lived. He got out of his carriage, went over stepping stones across the brook, and got into a miserable hovel where this parish priest was lying in bed. But, he said, if he asked where the clergyman of the Established Church lived, with perhaps not fifty parishioners in his charge, he would be taken to a good comfortable home. Was that justice or equality? Would the people of Ireland so consider it if they learned that their clergymen had been left in that condition while the Protestant clergy had their houses and the lands preserved to them by the House of Commons and augmented by the House of Lords? Much had been said with regard to the attitude the Roman Church may assume if this Amendment were carried. Now, no doubt it was the notion of Mr. Pitt and many others to give a salary to every Roman Catholic priest in order to make him in some manner dependent upon the Government, and that is what the Roman Catholic priests of Ireland most justly resent; but our proposal differs greatly from this. We propose to give the priest his glebe house once for all, and to have no control over him whatever, and upon this the Irish priesthood has very properly refrained from making any declaration. To the original principle of the Bill—disestablishment and disendowment—the priesthood gave their adhesion, but upon a question of immediate benefit to themselves, good taste obliges them to be silent. If your Lordships agree to the Amendment of my noble Friend (Earl Stanhope) you will be contributing to that equality for the promotion of which the Bill was introduced.

LORD WESTBURY: My Lords, we have been told this evening by the noble Earl (the Earl of Harrowby) that we have voted for the second reading of this Bill in deference to public opinion, and that that public opinion was unanimous in its declaration against concurrent endowment of the Roman Catholic clergy; and we are assured that we are going in direct defiance of public opinion in supporting this Amendment. With great deference to the noble Earl who made those observations, I, for one—and I think I speak on behalf of many noble Lords—did not vote for the second reading of this Bill out of any deference to public opinion. I am not one to disregard public opinion when it is pronounced upon matters which it is competent and has been called upon to discuss, but I do not think it understood the question in a manner to dictate to legislators. It pronounced that there was a great evil to be redressed, and it left to you, my Lords, and to the other House of Parliament, to decide what should be the manner of that redress. I voted for the second reading because I felt the Irish Church, as at present constituted, to be a great evil; I voted for the second reading in the hope of converting this wanton Bill of destruction into a measure of beneficent reform. We have, therefore, with perfect consistency pursued the course we designated for ourselves. There was another point raised by the noble Earl, which may be disposed of in a few words. He tells you there will be great difficulty in carrying out the Amendment before us, because you will have to recognize the Archbishops and Bishops of the Roman Catholic Church, and in directing the enjoyment of this property be guided by their rules, with which you are not cognizant. My Lords, there is no difficulty at all about this. The ownership of these houses will remain in the hands of the trustees who are appointed, the trustees will regulate the enjoyment of the property according to law; the law is compelled repeatedly to inquire what are the doctrines held among certain religious communities, and to regulate the enjoyment of property dedicated to those communities according to the construction which courts of justice put upon the deeds conveying that property. We have been frequently told by the authors of the Bill and those who approve of it that it is intended as a measure of peace and religious equality. Those are gracious words, indicating a gracious intention; and surely they would lead to the conclusion that, whereas the only fault of the Irish Church was its monopolizing property which was dedicated originally to, and ought to have been applied for, the universal extension of our common Christianity, the spirit of peace and religious equality would have dictated to Her Majesty's Government some more universal and comprehensive scheme of distributing the surplus, and that they would have shrunk from making "ducks and drakes" of it, and indulging in the wantonness of fancy in order to get rid of the income of the Church. I have again and again entreated your Lordships to rise to an occasion that demands the exercise of legislative power and wisdom, to awaken to a sense of the great duty upon you, and accomplish the great object of peace and religious equality and religious justice by distributing the surplus in a manner equal to the demands and equal to the necessities of the several religious bodies in Ireland. I am sorry to say the plea so made has been in vain, and the historian will record in melancholy accents the fact that a great occasion for uniting these two nations together, and restoring peace and tranquillity, was lost through the bigotry of one party, and a want of high spirit on the other to guide the people of this country to measures superior to the feeling that declaims against concurrent endowment, and pronounces it to be a sin to give anything to relieve the necessities and supply the wants of Roman Catholic Christianity, although it is the religion upon which nineteen-twentieths of the Christian world depend for their salvation. These are the terms on which we may expect people in a future age to speak of us when they compare what we have done with what we might have done. It is very seldom, indeed, that the advocate of any cause has the power of calling two such witnesses as I have the power of calling to-night. The two noble Lords who have spoken on my right and left hand have settled for ever the question whether these endowments would or would not be accepted with gratitude by the Roman Catholic clergy of Ireland. One ounce of fact is worth pounds of argument; and that ounce of fact the noble Duke (the Duke of Leinster) has supplied. He told you that he had given equal boons to Protestant, Presbyterian, and Roman Catholic clergymen, that they were received with gratitude by all, and that all live in happy concord by reason of their being placed upon an equality. I ask, then, whether the Roman Catholic clergy will not willingly accept these endowments. I am sure your Lordships will receive the testimony of Peers who speak from their own knowledge, and who can vouch from their experience for the conclusions they offer to you. I press most warmly upon you the acceptance of the noble Earl's (Earl Stanhope's) Amendment. Although I have the greatest respect for the Roman Catholic clergy, and believe that without them you will never pacify, much less conciliate, Ireland, yet I must confess I have the greater love for the Protestant clergy of that country, and the greater concern for their welfare. By an overwhelming majority your Lordships have accepted the proposals of the noble Marquess opposite (the Marquess of Salisbury), and have conferred on the Episcopalian clergy a small portion of that which undoubtedly is their own; and, for one, I cannot with any countenance send this Bill down again to the Commons, ostensibly in the spirit in which it was sent, as a message of peace and religious equality, with that exceptional benefit given to the Protestant Episcopalian clergy, unless it were supplemented, equipoised, and balanced by equal benefits for the Roman Catholic and Presbyterian clergy. If the one is an act of justice, it follows, as a necessary consequence, that the other is an equal act of justice; and if you yield the one you are bound to yield the other. Then how shall we return the Bill? It will be returned with a large surplus, indeed, rent away from the Episcopalian Church, but it will be returned with the endowment of the Protestant clergy, in a great measure equalled and balanced by corresponding benefits for the clergy of all other persuasions. Then, my Lords, I should hope there will be no collision between the two Houses; we may then have a well-grounded hope that as we have done the Bill, with regard to its spirit, as little injury as possible, the other House may defer to your Lordships' opinion, and may believe that you have taken a wiser measure of the true extent to which the principle of the Bill ought to be carried out, and that there will then be unanimity between the two Houses, instead of there being opposition. I entreat your Lordships, as you love justice, as you would be beneficent, as you would countenance that which you have already done for your own clergy, to give at the same time a corresponding measure of benefit to the clergy of other persuasions; I entreat you, in the interests of your own measure, to lay aside all notion about your having no right to pronounce an opinion in favour of the Roman Catholic religion. Why, you fling damnation round Europe when you condemn the Roman Catholics and pronounce that great religion to be an error which you would sin in giving anything to. I trust your Lordships will rise superior to that. This is only a little matter; it is only a modicum of what your Lordships ought to do, and if your Lordships have a thought for religion, humanity, peace, and charity you will accept the Amendment of the noble Lord.

EARL GRANVILLE: I will trespass on your Lordships' attention only for a few moments. I rise more for the purpose of protesting in the name of Her Majesty's Government against this Amendment being carried than to argue a question, which has been agued at almost every stage of the Bill. It was discussed on the second reading, on going into Committee, upon the Amendment in Committee—which was rejected by a large majority—upon the Report, upon the third reading to-day; and now again it is discussed on the Amendment of my noble Friend. I cannot say how painful it is to me to vote against some of my best personal and political friends, for whose intellect I have the greatest respect, and with whose political feelings and opinions I entirely sympathize. If it were not for that I am not sure I should not find great cause for rejoicing in the discussion which has taken place on this Amendment. I sympathize in a great degree with all the liberal feelings which have been expressed with regard to Roman Catholics and which hitherto have not met with any general acceptance in this House. I rejoice that I have heard from the opposite side of the House sentiments which I never heard before from that quarter; and I rejoice because they will facilitate in the future the spread of religious toleration. This discussion has done one great good; it has cleared away very much indeed; it has proved conclusively that it is impossible to go half-way, and that your Lordships and the country must decide whether you will adopt the scheme of disestablishment and disendowment proposed by the Government, or whether you will adopt a scheme for supporting all other denominations in Ireland. I really have heard sentiments in which I cannot say how much I concur. I heard the noble Earl who moved this Amendment state, amid cheers from those around him, that it was the duty of the Legislature to legislate for Ireland according to the wishes of the Irish, and not merely according to the wishes of the English and Scotch. I agree thoroughly in that. But I am obliged to differ from the noble Earl in regard to what the public expression of opinion in Ireland has been, whether it comes from the Irish Church, from the Presbyterian body, or from the Romanists themselves. I have really nothing to add, except that my Colleagues and I, in framing our plan of dealing with the Irish Church, followed the method which I believe all great statesmen have always adopted, which was to combine the support of those who have one object in view, in order to enable us to carry a measure which it was almost impossible for a Government to have brought forward a short time ago. I can add nothing to that. We can only adhere to the resolution which we declared to the country that it was our intention to act upon; and I must leave the case as it has been stated by my Colleagues and myself. The common sense of your Lordships cannot deny that the feeling of the constituencies at the elections was most indisputably opposed to anything in the shape of levelling up or concurrent endowment, or whatever other term you may choose to apply to it. It would be presumptuous in me to put myself on the level with the noble and learned Lord who spoke last, but I have not yet been taught to believe that this nation is incompetent to form an opinion upon an important question such as the Irish Church and the best mode of removing so great an anomaly. My Lords, I really believe that this Amendment

—if your Lordships carry it to-night—will absolutely have no effect whatever but to create a certain amount of embarrassment. I am as certain that there is no more chance of this Amendment being adopted in "another place," or, as I believe, by the constituencies who send the Members to that "other place," as I am of any other subject which is reasonably open to discussion. Upon these grounds I implore your Lordships not to reverse the decision to which you came the other day, when rejecting a proposal similar to the present. Before I sit down let me say that, while owing allegiance to my Colleagues in Her Majesty's Government, I am also sensible that I owe allegiance to the honour and credit of your Lordships' House. We have been exhorted this evening to be statesmanlike, to rise to the occasion, to lead the public mind, and to show what is right in relation to the equality of the clergy of all denominations. The noble Earl opposite (Earl Stanhope) said he rose with the sanction, and even at the request, of some of the most eminent Members of your Lordships' House to propose this Amendment. Have your Lordships considered what figure you will cut in sending down this Amendment as the perfection of statesmanship, and as the work of the most eminent Members of your Lordships' House? My noble Friend the Lord Privy Seal said you ought not to devolve upon the Lord Lieutenant the most difficult duty of all, without laying down any principles at all to guide him in dealing with the Roman Catholic clergy. You say that the object is to attain religious equality; but my noble Friend has pointed out that under the words of the third section of this Amendment not a single church or glebe will go to the Presbyterians at all, inasmuch as their arrangements are made with reference to congregations, and not with regard to the spiritual charge of any separate territorial district. This Amendment therefore, so carefully considered, and which is represented as the last result of your legislative wisdom, would have the effect of depriving the Presbyterians of any advantage whatever, while giving the most liberal terms to the clergy of the Established Church, curates as well as incumbents. You leave glebes and manses to about 2,000 clergy charged with the spiritual care of 700,000 of the people of Ireland, while to the clergy superintending the religion of 4,500,000—the large majority of the people of Ireland—you offer in the whole some 1,200 houses and glebes—for that is about the number of those clergy having territorial cures. You throw £2,000,000 or so into the coffers of the Irish Church, and give the others a small pittance. And this, it is contended, is a statesmanlike proceeding, in a spirit of true equality. Can your Lordships really wish that such a proposal should go down to the other House as illustrative of the spirit of your legislative enactments?

EARL STANHOPE: My Lords, I shall trouble your Lordships with very few words in reply, and they shall be simply in answer to the statement just adduced by the noble Earl opposite (Earl Granville). I am informed by those who are thoroughly well acquainted with the part of the country of which we are speaking, that the noble Earl is entirely inaccurate when he states that the arrangements of the Presbyterian clergy are made without reference to territorial districts. A similar statement was made by the Lord Privy Seal, and I am told that the noble Lord the Privy Seal, although for some time Lord Lieutenant of Ireland, and likely therefore to be well informed, was misled by the ecclesiastical arrangements of the Wesleyan body, which he has ascribed throughout to the Presbyterians. Then, with regard to the last clause of the Amendment, the arguments of the noble Earl are a mere repetition of what was said by the Lord Privy Seal. I am blamed for not having pointed out the exact course which the Lord Lieutenant should adopt. There is no inaccuracy of mime, but there is a difference of opinion between us. I stated before that, in my judgment, it was one great advantage of the proposition that it did not insist upon any negotiation with the Roman Catholic clergy; it places them in a perfectly independent position, free to accept or to reject the offer made to them, untrammelled and unpledged in any way whatever. I can assure your Lordships that I did not venture to bring forward this Motion without the fullest consultation with those who have spent their lives in the country and who know it, to say the very least, as well as the noble Earl opposite It is therefore with the fullest confidence that I recommend it to the adoption of your Lordships.

LORD CAIRNS: I ask permission to say a very few words before your Lordships go to a division. On a former occasion I felt it my duty to state fully the view which I took upon the question, and I shall now do so very briefly indeed. I do not intend to go into any criticism of the terms of the Amendment proposed to us; but I cannot help thinking it unfortunate that upon the third reading of the Bill we should have this Amendment in substitution for a proposal not essentially different from that upon which we formerly voted. I am not disposed to accept this as anything more than an expression of opinion in favour of a principle which has been variously described by the terms concurrent or indiscriminate endowment. If I were to go into any criticism of the terms of the Amendment, nothing, I am sure, would be easier than to show that the proposal is utterly and entirely unworkable and impracticable, and that the Amendment is framed in entire forgetfulness of the state of things in Ireland, and of the position of the various denominations. The question, however, is not one of words, but of substance. I stated before, as I venture to state again, notwithstanding the able arguments which have been advanced in this House, that the system of indiscriminate endowment is one which it would be an unfortunate thing for the State to adopt. So far from being favourable to the condition of Ireland, I believe it would be eminently unsuited to that country. And although this has been described as a very small measure, and a measure quite apart from endowment, depend upon it the country will never believe, when you give, rightly or wrongly, houses and lands to the clergy of various denominations, that you are doing anything else but permanently endowing the religions to which those clergymen belong. That being so, let us remember the feeling of the country, not merely of England and Scotland, but of Ireland as well. No one can deny that the feeling of the people in England and Scotland is opposed to any scheme of the kind. We know very well what the feeling of the Protestant population of Ireland is; but what is the feeling of the Roman Catholic population? On this subject we were favoured with distinct expressions of opinion by my noble Friend who sits below the Gangway (Earl Denbigh). My noble Friend, on the first occasion when this question was mooted, said that if the proposal were made as an act of justice towards the Roman Catholics of Ireland, he believed they would accept it. On the last evening of the discussion my noble Friend retracted that statement, and said he believed they would not accept it; but since then my noble Friend has retracted his retraction, and, professing to speak in the interests of the Roman Catholic clergy, has contradicted the statement which he previously made. A noble Lord opposite (the Earl of Granard), however, has asserted that nothing could be more inconsistent with the position of the Roman Catholics than to accept a measure of this kind; while another noble Lord (the Earl of Dunraven) speaking with the same interests at hand, has once more qualified that denial. We have, therefore, three retractations and two denials; and I own I am in a perfect chaos of bewilderment as to whether the Roman Catholic clergy will or will not accept the offer if it be made them. Turning from that point, I cannot but remember that in the other House of Parliament not a single proposition was made on behalf of the Roman Catholic Members, or those who represent Roman Catholic constituencies, to have a scheme of this kind adopted. I shall not follow in their prophecies some noble Lords who think that a great change has come over the opinions of the country, and that the change will proceed until the concurrent endowment principle is universally accepted. But, my Lords, I think that nothing would be so well calculated to prevent such a result as your Lordships doing anything which would seem to force it on the country. The Amendment by which I think your Lordships have most wisely preserved the surplus from being carelessly and foolishly dissipated will allow the country time to consider what would be the best mode of disposing of the money; and I think that even noble Lords who are of opinion that the appropriation now proposed would be a wise one—an opinion in which I confess I do not share—ought to be anxious that the surplus should not be disposed of till after the question has received full consideration.

THE EARL OF DENBIGH said, he felt bound to make an apology for having hastily made a statement the other evening which he found afterwards he could not substantiate. He had made that statement under the erroneous supposition that the meeting to which he referred was a meeting of the Irish Roman Catholic Prelates. He had never intended to represent Irish feeling. Indeed, he thought he must be a very rash Englishman who would venture to represent Irish feeling, but he spoke in the name of other Peers besides himself. He and they had voted against the Amendment because they had been assured by the Government that it would prevent the success of the Bill, and they believed the feeling of the country was against concurrent endowment. Since then the public organs had expressed sympathy with the idea, and if the Amendment were carried he thought their Lordships would find there was more sympathy with it than they expected. With regard to the expression of Irish feeling by the National Association, and also, in former times, by the Irish Roman Catholic Prelates, he could understand and appreciate the sentiments that would prevent the Irish Bishops and clergy from putting themselves forward and asking for glebes; but if England, through a sense of justice, made the offer without any conditions the case would be different. To mark his sense of the kind intentions of the noble Earl (Earl Stanhope) he would vote for the Amendment.

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*Resolved* in the *Affirmative.*

THE ARCHBISHOP OF DUBLIN *moved* the following Amendment: — After Clause 24 insert the following clause:—

"In case of any such commutation as hereinbefore provided it shall be lawful for the commissioners, at the desire of the holder of any archbishopric, bishopric, benefice, or cathedral preferment, to exclude from such commutation any house or land reserved to such holder by this Act which shall be in his actual occupation."

Amendment *agreed to.*

VISCOUNT GOUGH *moved* the following Amendment:—At end of Clause 28, add—

("Provided always, that where any such ecclesiastical residence is so vested in the said representative body by order as aforesaid, such representative body shall have the like rights, powers, and remedies for recovering any sums due for dilapidations, and from the same persons, as the successor of any archbishop, bishop, or incumbent would have had if this Act had not been passed.")

Amendment *agreed to.*

THE EARL OF LIMERICK *moved* the following Amendment: — Clause 33. Amend the clause so that it may stand as follows:—

"The commissioners may, at any time after the first day of January one thousand eight hundred and seventy-one, sell any rent-charge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of the sum herein-after named; and upon any such sale being so made, the commissioners shall by order declare the rent-charge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

"If the owner elects to pay the purchase money for the same in full at once in consideration of a sum equal to twenty-two and a half times the amount of such rent-charge, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates.

"If the owner applies for the benefit of payment by instalments as hereinafter provided, in consideration of a sum equal to twenty-two and a half times the annual amount of such rent-charge (without such deduction for poor rates).

"And the commissioners may, in such case, by order, declare his purchase money or any part thereof to be payable by instalments, and the land out of which such rentc-harge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rent-charge payable by him, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentc-harge in lieu of tithes heretofore payable out of the same lands.

"'Owner' for the purposes of this section shall mean the person for the time being liable to pay rent-charge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine."

Lord NORTHBROOK, on the part of the Government, objected to the Amendment.

On Question? *Resolved* in the *Negative.*

On Question, That the Bill do pass? objected to; on Question, *agreed to;* Bill *passed* accordingly, and sent to the Commons.

## PROTESTS.

### *Against the Third Reading of the Bill.*

"*DISSENTIENT:*

"1. Because since 1835 no consent has ever been given in this House to the principle of the "Appropriation Clause" carried in the House of Commons by a Committee of the Whole House in 1835.

"2. Because on the Second Reading of this Bill it was assumed that the principle of it was agreed to, whereas by the exclusion of speeches by The Right Reverend The Lord Bishop of London and of Lord Lytton a full discussion of that principle was prevented.

"3. Because in this House any question faulty in principle may as fairly be opposed on the Third Reading as on any other stage of a Bill.

"Denman."

"*DISSENTIENT:*

"1. Because this Bill, for the first time since the foundation of the British Monarchy, introduces, so far as Ireland is concerned, the principle, unrecognized in any other country in Europe, of an entire severance of the State from the support of any and every form of religious worship.

"2. Because the adoption of this principle with regard to Ireland cannot but give great encouragement to the designs of those who desire its extension to every part of the United Kingdom.

"3. Because it is a violent stretch of the power of Parliament to resume a grant made by itself in perpetuity; still more to confiscate property held by long prescription, and by a title independent of Parliament.

"4. Because if this principle be well founded as regards private property, it is still more so with regard to that which has been solemnly set apart for the purposes of religion and the service of Almighty God.

"5. Because the legislation attempted in this Bill tends to shake confidence in all property, and especially in that which rests upon a Parliamentary title heretofore considered as the most unassailable of all.

"6. Because it is impossible to place a Church, disestablished and disendowed, and bound together only by the tie of a voluntary association, on a footing of equality with the perfect organization of the Church of Rome, whereby, especially in Ireland, the laity are made completely subservient to the priesthood, the priests to the bishops, and the bishops themselves are subject to the uncontrolled authority of a foreign potentate.

"7. Because this Bill will be felt as a grievous injustice by the Protestants of Ireland, who, through their Irish Parliament, surrendered their political independence by a treaty the fundamental condition of which was the greater security of the Protestant Establishment.

"8. Because while this measure will tend to alienate those who have hitherto been the firmest supporters of the British Throne and British connexion, so far from conciliating, much less satisfying, it will only stimulate to fresh demands that large portion of the Roman Catholic population of Ireland which looks forward to ulterior and very different objects, and, above all, to ultimate emancipation from the control of the British Legislature.

"Derby.
Harrowby.
Marlborough, for 1, 2, 3, 4, 5, 7, and 8 Reasons.
Malmesbury.
Chelmsford.
De Ros.
Grinstead.
Walsingham.
Forester.
Denman.
Clancarty.
G. A. Lichfield.
Brodrick.
Stewart of Garlies.
Clarina.
Kellie.
Lauderdale.
Dartmouth.
Hawarden.
Bantry.
Abercorn.
Melville.
Amherst.
Sondes.
Kilmaine.
Colchester.
Tredegar.
O'Neill.
Brooke and Warwick.
Wynford.
Graham.
Digby.
Silchester.
Colville of Culross.
Exeter.
Abergavenny.
Strathallan.
Westmeath.
De Vesci.
Ellenborough.
Redesdale.
Clements.
Bandon.
Charles B. Tuam.
Saltoun.
Hartismere.
Manchester.
Mansfield.
Cairns, for 1, 2, 3, 4, 5, 7, and 8 Reasons.
Templetown.
Fitzwalter.
Northumberland.
Churston.
Leven and Melville.
Tankerville.
Gough.
C. J. Gloucester and Bristol.
Beauchamp, for 1, 2, 3, and 4 Reasons.
Pitt R. Rivers.
E. H. Ely."

### *Against the Passing of the Bill.*

"*DISSENTIENT:*

"1. Because free discussion was again prevented on this stage of the Bill by the refusal o clamorous Members of the House of Lords to hear Lord Dunboyne, one of the Representative Peers for Ireland.

"2. Because the exclusion of the bishops, who are appointed by the Crown with a view to aid the counsels of Her Majesty during their lives, is an interference with the Constitution of the House of Lords, and with Her Majesty's Prerogative, and is likely to injure the Protestant clergy and laity of Ireland.

"Denman."

### SEAMEN'S CLOTHING BILL [H.L.]

A Bill to amend the Law relating to the protection of Seamen's Clothing and Property—Was *presented* by The Earl of CAMPERDOWN; read 1ª.

House adjourned at a quarter before Twelve o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 12th July,* 1869.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES—Class II.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Nitro Glycerine * [211].

*Second Reading*—Parochial Schools (Scotland) [164]; Jamaica Loans * [200]; Cinque Ports Act Amendment * [206].

*Committee—Report*—Inclosure Awards (County Palatine of Durham)* [44-210].

*Considered as amended*—Insolvent Debtors and Bankruptcy Repeal * [180].

*Third Reading*—Sunday and Ragged Schools * [205], and *passed.*

*Withdrawn*—Trades Unions, &c. * [68].

### POLICE CONSTABLES.—QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the Secretary of State for the Home Department, Whether police constables stationed at Government Departments are paid 1*s.* extra per day, in order to secure the services of the most respectable men in the force; whether some of the staff of officers required for the Houses of Parliament are excluded from this payment during the Recess, whilst in all other Departments payment has been made since April 1867; whether constables receiving this extra 1*s.* per day for special services are prohibited from contributing the ordinary amount to the pension fund; and, whether 2*s.* per diem is deducted from the wages of the police serving in this House in case of sudden illness?

MR. BRUCE said, in reply to the first Question of the hon. Member, that it was the fact that the police constables to whom it referred were selected on account of their being respectable men, and because of the responsible nature of the duties which they had to perform. The allowance was voluntarily paid by the Department in all cases, it being in excess of the ordinary regulated charges for the service of police. In answer to the second Question, he had to state that some of the officers employed in the Houses of Parliament had been excluded from the allowance during the Recess, owing to the lighter nature of the duties during that period. The number employed was thirty-seven, and out of that number fifteen had received the extra allowance of 1*s.* a day. Those numbers did not include policemen employed on the night watch to prevent fire. The expenses or cost of police employed at the Houses of Parliament was greatly in excess of the sum annually granted by Parliament. The actual cost of the police employed was £3,983 9*s.*, out of which amount Parliament contributed only £429, the balance of £3,554 being paid out of the Metropolitan Police Fund. In answer to the third Question, he had to say that, by the regulations, constables received the amount of the extra allowance beyond the ordinary pay of the class to which they belonged only when they performed special duty. They were placed under stoppages for the superannuation fund, calculated on the actual pay of the class to which they belonged, and not upon the extra allowance. 1*s.* per day only was deducted from the pay of the police who were sick; the 1*s.* extra allowance was given to the man who actually performed the duty in the place of the sick man. During his illness, he consequently suffered a reduction of 2*s.* a day.

### EGYPT—SUEZ CANAL.—QUESTION.

MR. GOURLEY said, he wished to ask the Under Secretary of State for Foreign Affairs, If any negotiations have been or are intended to be entered into with his Royal Highness the Sultan of Turkey, or with His Highness the Viceroy of Egypt, relative to the navigation of the Suez Canal by vessels of the British Naval and Mercantile Marine; if so, the terms upon which British and Foreign vessels are to have the use of it?

MR. OTWAY said, in reply, that he would reply to the latter part of the Question of the hon. Member first. The 6th Article, regulating the concession to M. Lesseps, provided for the equality of the tariff for all nations in the navigation of the Suez Canal. No negotiations had been entered into with the Sultan or the Viceroy of Egypt on the subject;

but, as his hon. Friend was aware, the opening of the Suez Canal was a matter of deep interest and importance to many nations, and to none more than our own. It was impossible, therefore, to say that no negotiations would occur on the subject.

## IRELAND—RIOT AT PORTADOWN.

### QUESTION.

SIR THOMAS BATESON said, he wished to ask the Chief Secretary for Ireland, with reference to the loss of life at Portadown on the 1st of July, For what period of time has Mr. Noonan, the officer who gave the order to the constabulary to fire on the people, filled the post of sub-inspector; whether he previously served in the ranks; how long has he been stationed in Ulster; and, of what county is he a native; and, whether it is not the fact that there are three justices of the peace resident in Portadown, or in its immediate vicinity, the house of one of them being close to the scene of bloodshed; and, if so, why the party of police, after returning to their barracks for their rifles, did not communicate with one of them previous to adopting such extreme measures?

MR. CHICHESTER FORTESCUE said, in reply, that Mr. Noonan had been a sub-inspector for about two and a-half years; he had previously served in the ranks; he was a native of Kerry; and had been employed in Ulster since his promotion to the sub-inspectorship. There were three justices of the peace resident in Portadown; one of them, as he was informed, was a gentleman far advanced in years and infirmities. His information was that Sub-inspector Noonan had taken precisely that course which his hon. Friend appeared to suppose he had not taken. Before leaving the barracks with the armed patrol he did possess the presence and assistance of a magistrate; but, in some way not yet ascertained, the magistrate got separated from him before the unfortunate collision between the police and the people took place. He trusted the hon. Gentleman would not think it necessary to make inquiries of him as to further details of the occurrence, inasmuch as the judicial inquiry had not yet ended.

SIR THOMAS BATESON: As the coroner has adjourned the inquest, in order to attend to duties not connected with the coronership, I beg to ask, without pre-judging the question, Whether it would not be expedient to transfer Sub-inspector Noonan to some other district during the interval until the 3rd August, which is fixed for the resumption of the inquest?

MR. CHICHESTER FORTESCUE: It is really impossible for me to answer that Question, of which not even notice has been given.

## IRELAND—PROCLAMATION OF DUNDALK AND LOUTH.—QUESTION.

MR. CALLAN said, he would beg to ask the Chief Secretary for Ireland, Whether his attention has been called to the state of the borough of Dundalk and the county of Louth, with reference to the fact that they are still under Proclamation; and whether, regard being had to their "eminently satisfactory state, both as regards offences against the person and property," Government are prepared to remove the Proclamation?

MR. CHICHESTER FORTESCUE said, he felt as deep an interest as his hon. Friend in the county of Louth and the borough of Dundalk, and he had as high an opinion as he (Mr. Callan) could have of the order that prevailed there. He was proud to know that, in common with by far the larger part of Ireland, these places were singularly free from ordinary crime. But the powers conferred on the Executive by a Proclamation under the Peace Preservation Act were of considerable value, though they were moderate, and, as he believed, moderately exercised; and they were not to be lightly removed from any particular district or without the fullest consideration. He was not able to say that it was the present opinion of the Irish Government that the Proclamation should be removed from these particular districts.

MR. CALLAN: Will the right hon. Gentleman be able, during the present Session, to give an answer to the Question?

MR. CHICHESTER FORTESCUE: My hon. Friend had better put the Question again before the end of the Session.

## HONG KONG—GAMBLING HOUSES. QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for the Colonies, Whether the money arising from the licensing of Gambling Houses in Hong Kong has been included as an ordinary source of revenue in the Return of Revenue and Expenditure for 1868; and, whether such appropriation is sanctioned by the Secretary of State?

Mr. MONSELL replied, that the money arising from the licensing of gambling houses in Hong Kong had been included as an ordinary source of revenue in the Return of Revenue and Expenditure for 1868. Such appropriation would never be sanctioned in future; and a letter had been addressed by Earl Granville to the Governor of Hong Kong, stating that it was the wish of the Government that the surplus gambling fees should be funded as a reserve for carrying out the vigorous efforts which might be made for the suppression of the exercise of the vice of gambling.

## OYSTER DREDGING.—QUESTION.

Mr. BLAKE said, he wished to ask the President of the Board of Trade, Whether he is aware that English fishing vessels are at present dredging for oysters within the limits prohibited, from June 16 to August 31, by Article 11 of the late Fishing Convention between Her Majesty and the Emperor of the French; and if he will cause inquiries to be made on the subject, with a view of preventing a violation of the Convention on the part of British subjects?

Mr. BRIGHT said, in reply, that the Convention referred to by the hon. Gentleman had not yet come into operation. According to one of the Articles of the Convention it was not to come into operation until a day to be fixed by the French Government, and as that Government were not yet in a position to fix the day the Convention had not come into force. He had no reason to believe that there had been any violation of the existing Convention.

## IRELAND—PROCLAMATION OF LONDONDERRY.—QUESTION.

Sir HERVEY BRUCE said, he wished to ask the Chief Secretary for Ireland, Whether, considering the long immunity from crime in the City and County of Londonderry, and considering that the Proclamation touching the City was issued before the Government could give any reply in this House as to the cause of it, he is prepared to remove the Proclamation, more especially as the proceedings at the Coroner's Inquest do not appear to implicate the inhabitants of the City in the deaths of those unfortunate men who lost their lives just previous to the Proclamation?

Mr. CHICHESTER FORTESCUE said, in reply, that he could not agree with the hon. Baronet that the Government were not fully acquainted with the cause that induced them to proclaim Londonderry, that cause being, mainly, the fact of the possession of a large quantity of arms by an angry and excited population. It would be quite premature for the Government now, after the lapse of only a few weeks, to say that they were prepared to withdraw the Proclamation.

## IRELAND—USE OF FIREARMS BY THE IRISH CONSTABULARY.—QUESTION.

Mr. VANCE said, he wished to ask the Chief Secretary for Ireland, If he has any objection to lay upon the Table of the House, any instructions which have been issued to the Irish constabulary with reference to carrying and using their firearms?

Mr. CHICHESTER FORTESCUE, in reply, said, it had not been thought necessary or advisable to issue instructions on the subject in consequence of the unfortunate occurrence at Portadown. To have done so would have appeared to imply a foregone conclusion as to the conduct of the police, which the Government were not in a position to arrive at. He might add that by the standing regulations of the Irish constabulary force, with which the men, and especially the officers, were perfectly familiar, the most stringent caution is imposed on the use of firearms, as a course to be adopted only under the gravest circumstances, and in the last resort.

Mr. VANCE said, his question referred to the standing regulations on the subject.

Mr. CHICHESTER FORTESCUE said, that he should be happy to produce them, if the hon. Member desired it.

## ARMY—CRIMEAN PRIZE MONEY.

### QUESTION.

In answer to Colonel NORTH,

MR. AYRTON said, that the amount of the property taken from the enemy by British Troops during the Crimean War would not, if distributed, have amounted to more than 2*s*. 6*d*. per officer, or 6*d*. per man; and to have given that would have been a mockery rather than a reward.

## PARLIAMENT—PUBLIC BUSINESS.

### QUESTION.

MR. CRAWFORD: Sir, I beg to ask the right hon. Gentleman the First Minister of the Crown, If it be his intention to take the Telegraphs Bill at two o'clock to-morrow?

MR. GLADSTONE: No; and I may take this opportunity to mention that in consequence of the state of business, the Public Business will, during the remainder of the Session on ordinary days, commence at a quarter past four o'clock—when Questions can be asked—instead of half past four o'clock.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## METROPOLIS—NEW PUBLIC OFFICES.

### OBSERVATIONS.

MR. GOLDNEY said, he wished to call the attention of the House to the sums granted for the purchase of the site for the new Public Offices, and to the proposed expenditure for a new Home Office and new Colonial Office, and to ask the First Commissioner of Works if he has any objection to lay upon the Table of the House a plan of the land already purchased, and of the land intended to be acquired, with an explanatory statement showing what portion of the land is intended to be built upon, and the amount of money already, and when, and for what purchases expended; and, if the plans and estimates for the new Home Office are prepared; and, if so, the amount of the estimate, and where the plans may be seen? Hon. Members had that day received the Report of the Committee on the New Public Offices Sites Bill, and that, to a certain extent, answered some of his questions; but it disclosed the fact that it was the intention of the First Commissioner to carry out, to a large extent, the Report of 1868. The amount already voted amounted to £147,000, and under the new Bill £700,000 more was contemplated. The evidence brought before the Committee had been of the most meagre character, and not such as to justify the large expenditure that was likely to take place. He thought they ought to have something like a definite plan, and some detailed account of the property that was to be purchased, and of the sum asked for for that purpose.

MR. LAYARD said, he had no objection whatever to give the information asked for by the hon. Member. The fact, however, was that the greater part of the information had already been given to the House. If the hon. Member turned to the Paper laid on the table on the 3rd of April, 1865, he would find a complete plan of the Foreign Office, India Office, and the Colonial and Home Offices, and the proposed purchases in King Street. That Paper comprised all the information he was able to give on that part of the subject. In addition, the fullest plans of all the houses and ground proposed to be taken had been deposited according to the requirements of Parliament, and if the hon. Member would turn to the Public Offices Act of 1865, and the similar Act of 1866, he would find attached to those Acts copies of the deposited plans. The hon. Member had mixed up two questions entirely separate. There were two distinct transactions—the purchase of the property for the erection of buildings already decided upon and commenced, which had been completed with the exception of a very small block, and the contemplated purchase of a part of George Street, included in the Bill introduced this Session, which had come from a Select Committee. The site occupied by the India and Foreign Offices, and to be occupied by the Home and Colonial Offices—the purchase of which had been sanctioned by the House—cost £465,000. As regarded the plans for the Home and Colonial Offices, they were not yet in a state to be submitted to the House. When he came into Office he found that Mr. Scott had prepared plans for those Offices. He (Mr. Layard) had submitted them to a Committee, consisting of Sir Charles Trevelyan, Mr. Stevenson, and Mr. Fergusson, and by their assistance he had succeeded in including in the plan several Departments which Mr. Scott had omitted. Mr. Scott had, therefore, to prepare his plans anew, and they were not yet finished. There was no contract yet for the building; only the foundations were laid. When the plans were completed, which he hoped would be shortly, he would have them placed in the Library for the inspection of Members. All he could say was, that the plans had been looked over most carefully by the Committee, and had been sanctioned by the heads of the Home and Colonial Departments. So far, therefore, as regarded the site for which money had been voted, that necessary for the erection of the Foreign, India, Home, and Colonial Offices had been acquired. The other question was entirely distinct—namely, the acquisition of a further site for the erection of other public offices, as recommended by the Commission of 1868. That Commission recommended the acquisition of the whole block of land between Parliament Street, George Street, and the Park. The site thus recommended to be acquired appeared to the Government far more extensive than was necessary, and a Bill for the acquisition of a much more limited area had been referred to a Select Committee, which had passed it. The Bill had been recommitted to the Whole House, and the question of the acquisition of this site or of any fresh property could then be fully discussed. The Bill would not be proceeded with to-night, and probably not this week. As regarded that part of King Street which would still remain after the portion already acquired had been pulled down, of course, when the Home and Colonial Offices were erected, it would no longer be so convenient as a thoroughfare in consequence of its entrance being somewhat impeded by those buildings. The maps were already before the House, and the accounts should be laid on the table in a condensed form.

Mr. KINNAIRD said, he wished to know whether any estimate of the amount required for the Home and Colonial Offices would be given before the buildings were commenced?

Mr. LAYARD said, there was, of course, a general estimate, and the House might have any particulars it required.

Mr. CANDLISH said, he wished to know what amount of money had been expended in the purchase of the site?

Mr. AYRTON said, he had in his hand a statement of the whole of the expenditure in respect of the public offices. The Foreign Office was already erected, and the account for the offices to be erected on that site was exclusive of the India Office, which was paid for out of Indian revenues. The operation was a prolonged one, having lasted a good many years, but the account up to December 31, 1868, in round numbers stood thus—For the purchase of property, £409,484; preliminary and other expenses, £16,000; for the buildings, £258,000; furniture and fittings, £15,000; miscellaneous, £6,000. The total was £706,223. Then with regard to the blocks on the south side, there would be required to complete the purchase of the land, £67,000; for buildings and public offices, £407,000; making a total of £1,181,000. The India Office had refunded £86,000; so that the actual expense up to the present time was £1,094,000 to complete the block of buildings as designed, subject to a further and complicated question of £50,000 for property taken in exchange.

## FOREIGN OFFICE—UNPAID ATTACHES.

### RESOLUTION.

Mr. W. LOWTHER said, he wished to call attention to the employment in Her Majesty's Diplomatic Service of unpaid Attachés, and would contrast their position with that of the junior clerks in the Foreign Office. There were ten of these unpaid attachés, who were appointed by the Secretary of State for Foreign Affairs. They must be between twenty-one and twenty-six years of age, and they must serve four years without pay. At the end of that time they were to receive £150 "contingently." Every junior clerk in the Foreign Office, on the other hand, received £100 a year on appointment. The unpaid attachés were subject to many expenses. They were obliged to provide themselves with an expensive uniform, to lodge near the Embassy, which was usually in the most expensive quarter, and they were called upon to contribute to the relief of their fellow countrymen in distress. They were continually being removed from one Embassy to another at a considerable expense; for when it was discovered that an attaché was comfortably settled anywhere, the rule at the Foreign Office seemed to be to remove him as far off as possible, while the clerk lived in London, often in his father's house, and had the great advantage of a club. The Committee of 1861 did much to assist the diplomatic profession, but the class of unpaid attachés still remained, although the most distinguished diplomatists and Ministers, including Lord Kimberley, Sir Andrew Buchanan, Sir John Crampton, Lord Stratford de Redcliffe, Lord Malmesbury, Lord Cowley, and Lord Napier, condemned the principle, and agreed that unpaid service was no more desirable in this than in other public Departments. As regarded the prospects of these gentlemen, under ordinary circumstances a man might, perhaps, expect to become a Secretary of Legation at about forty; but it appeared to him that diplomatic pensions depended entirely upon the caprice of the permanent Under Secretary of State for Foreign Affairs; and he would mention one instance to show the peculiarity of the system adopted. Mr. A. was named Secretary of Legation in 1852, and retired, in 1867 while Mr. B., who was also appointed Secretary of Legation in 1852, retired in January, 1868. One would naturally have supposed that both these gentlemen would have the same claims upon the Government for a pension; but, in point of fact, though A received a pension, B did not, he being told that it was not usual for a man to enter Parliament on quitting the diplomatic service, notwithstanding that an Act had been passed in 1859, intituled "An Act to remove doubts as to the qualifications of persons holding diplomatic pensions to sit in Parliament." One reason assigned for giving a pension to B was that he was about sixty years of age. He could not see what objection there could be to placing attachés on the same footing as clerks in the Foreign Office. Ten first-class junior clerks received £4,664; nine second-class clerks, £1,605; and six third-class clerks, £688; while even the doorkeeper and the housekeeper received £100 a year each. Surely it was not unreasonable to ask that an attaché should receive a larger salary than was given to a housekeeper and a doorkeeper. The Committee had recommended that the attaché should occasionally exchange their posts with those of clerks in the Foreign Office; but this recommendation, though theoretically good, would not work in practice, because the Foreign Office clerks would be unwilling to accept diplomatic posts, which were for the most part disagreeable. There was a story told that Lord Palmerston, when he handed over the Seals of the Foreign Office, said to his successor, Lord Malmesbury—"You will find, my Lord, that diplomatists are very hard to please; in fact, there are only two courts that are coveted—Paris and Vienna." Having been himself connected with the diplomatic profession, he knew that they were a most efficient corps, and that it was quite a mistake to suppose, as many persons seemed to do, that they were engaged in a continual round of courtly amusements; and he thought a great and rich country like our own ought to remunerate the attachés for their services.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the unpaid Attachés in the Diplomatic Service are entitled to salaries equal to those now given to the Junior Clerks in the Foreign Office,"—(*Mr. William Lowther,*) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KINNAIRD said, he thought the House could not be justly charged with not taking an interest in the diplomatic service; but, as the whole of the expenditure connected with it was now for the first time shown on the Estimates, and fully under the control of the House, he hoped that more careful consideration would be given to the subject than heretofore. He was unable to support the Motion, because he was of opinion that attachés, who gave their services gratuitously for a time, were not worse off than young surgeons, lawyers, and other professional men, who had to expend large sums of money before they got any return for the outlay. It should also be remembered that an attaché at first could do very little, and he thought there was no hardship in asking a young attaché to serve without pay for a few years while he made the experiment whether or not he was fit for service. The attaché was not entitled to remuneration on the same principle as the clerks in the Foreign Office, who were obliged to attend for several hours in each day. The electric telegraph, by enabling persons engaged in negotiations to receive instructions in a very short time from the Government at home, had, in a great degree, changed the character of the diplomatic service, and it was questionable whether it was necessary to maintain such large diplomatic staffs as formerly.

Mr. Alderman LUSK said, he would remind the House that the Diplomatic Pensions Bill, recently passed, contained a provision that no person should receive a pension unless he had served four years without pay in addition to the time for which he received pay.

Mr. OTWAY said, he regretted that he had not heard the commencement of his hon. Friend's speech, as he was sure, from the hon. Member's experience, that any remarks that fell from him on the subject must be valuable. He understood him to complain that people had an opinion that the diplomatic service was a place for triflers and idlers. He (Mr. Otway) could only say that the sooner those who thought so got rid of that delusion the better. No one could read the Reports sent home from time to time respecting the commercial and political affairs of the different foreign countries without seeing that, whatever it might have been in the past, the diplomatic service must now be composed of able, intelligent, and industrious persons. His hon. Friend drew a comparison between the services of the attachés and those of the clerks in the Foreign Office, and suggested that attachés should receive the same pay as the junior clerks. He should, however, recollect that the clerks in the Foreign Office had no possibility of rising as the attachés had—to the attachés the highest grades in the diplomatic profession were open—while a clerk in the Foreign Office could never rise higher than permanent Under Secretary of State, with a salary of £2,000 a year. That was the highest prize open to him. As to the payment of the attachés, it would be perhaps better that every person serving the Government should receive a salary, whatever his rank; but the salary of a junior clerk in the Foreign Office was only £100 or £110 a year; and of what use would that be to an attaché serving at Paris, Vienna, or St. Petersburgh? [Mr. W. Lowther: A great deal.] He was surprised to hear his hon. Friend say so; for he had taken some trouble to ascertain, from various gentlemen filling that position in those capitals, what was the result of their experience as to the expense connected with it, and he was told that an attaché could not live in St. Petersburg, for instance, unless he had an allowance of £600 or £700. It was a mistake, he might add, to suppose that the expense of removal from one place to another was paid by the attaché himself. It fell upon the State, and in the quarterly accounts for every Embassy there was an allowance made for loss by the rate of exchange. It was also a mistake to attribute the assignment of pensions in any way to the permanent Under Secretary for Foreign Affairs. It was not only that Mr. Hammond was entirely incapable of bringing any injustice to bear in the exercise of any power which he might possess; but he in reality had no such power, inasmuch as the pensions were assigned by Act of Parliament. In principle he himself should not be opposed to granting the junior attachés a moderate annual sum; but if that were granted them it would be impossible to continue to them the advantages which they recently received. Formerly a man entering the diplomatic service acquired no right to a pension until he had been commissioned as secretary of Legation. Now, however, after four years as an unpaid attaché he at once received his commission, and from that moment his time towards his pension began to count. Under those circumstances it would, he thought, be somewhat inopportune to put the public to an expense for the purpose of conferring on those gentlemen what would be hardly a boon, especially seeing that no complaint emanated from them on the subject.

Mr. W. LOWTHER said, that after the explanation of the hon. Gentleman he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put and *agreed to.*

## SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £47,413, to complete the sum for the Foreign Office.

SIR PATRICK O'BRIEN said, he wished to draw attention to the large amount of salaries paid to Queen's messengers—£23,700. He did not question the ability and intelligence of these gentlemen; in fact they were too good for their work. In former times, and especially in times of war, this expense might have been necessary, but now the railway and the telegraph might advantageously supersede them. He did not propose, however, to abolish them altogether, but to reduce them to the ordinary class of messengers. He thought that £200 a year and their expenses was sufficient. The Austrian and French Embassies used, he understood, at the present day the Post Office and the telegraph to convey communications for the purpose of carrying which messengers were formerly employed. He did not propose to make any Motion now, but he hoped the Under Secretary's attention would be directed to the matter before the next year's Estimates.

MR. BOWRING said, he should be glad to hear some explanations as to the changes in the commercial department of the Foreign Office.

MR. ALDERMAN LUSK said, he must express his opinion that it was undesirable for clerks receiving salaries in the Foreign Office to act as agents for diplomatists abroad.

MR. CANDLISH asked if there had been investigation at the Foreign Office with the view of reducing the large staff engaged there?

MR. OTWAY said, he must admit that he had always thought the salaries of the messengers in the Foreign Office very large; and he was not disposed to quarrel with the assertion that the duties might be discharged for a less sum and by persons in a humbler position in life. He did not say a word against the present messengers. They had nearly all served in the army, and were gentlemen in the true sense of the word, and he believed there was no instance of any despatch entrusted to them having been tampered with. It sometimes happened in the case of illness, that recourse was had to home service messengers, who were not in the same social position; and it was only fair to say that despatches entrusted to them had always reached their destination safely. The Foreign Office messengers received, in the first instance, a salary of £400 a year, and when travelling, besides expenses, they received an allowance of £1 1*s.* a day. That was generally looked on as a fair allowance. Since 1863-4 the Vote had been reduced from £10,198 to £9,629. He had been directed by the Secretary of State for the Foreign Department to make some inquiry into the matter, and when that inquiry was completed it would be his duty to propose a scheme which would ensure a considerable reduction in the rate for foreign messengers. In the meantime it had been found practicable to dispense with the services of one of them. With regard to the commercial department, it had had the advantage of being presided over by a gentleman of great attainments, Mr. Spring Rice, and although he had been recently appointed to the office of Assistant Under Secretary, he would continue his superintendence of the department. Whatever objections might be entertained to agencies, they entailed no charge on the public, although he confessed he had no sympathy with the system. The matter was one purely of voluntary arrangement between certain persons in the diplomatic service and clerks in the Foreign Office, and the Office had no direct control over it. Under the arrangement made by Lord Stanley no clerk in the Foreign Office would, in future, be allowed to accept such an agency. The result would be that all the agencies would fall into the hands of one clerk, and when this came about it would be a serious question whether it was compatible with proper attention to a public office that a gentleman receiving £800 or £1,000 a year from the public funds should be receiving £4,000 or £5,000 annually for acting as the agent of diplomatists abroad. The great difficulty was that these agencies had been in existence during 100 years, and it therefore became a question of compensation for vested interests, if the agency business was at once put an end to. In his opinion the system was objectionable in principle, and he should be very glad when the present arrangement ceased.

MR. W. LOWTHER said, he wished to call attention to the fact that Foreign Office telegrams were sent without any regulations whatever at an enormous expense to the public. Somebody should be made responsible, and no telegram should be sent without being signed by the responsible person. This would prevent a great waste of public money, for many of the telegrams sent were of little use. As to agents, he thought some of the pensioned clerks should be appointed, the agency business not making any great demand either in regard to time or intellect.

COLONEL SYKES said, he did not see why bankers should not be employed as agents instead of the clerks at the Foreign Office.

MR. MELLY said, he must draw attention to the fact that the hon. Gentleman had not given any answer to the questions of his hon. Friend the Member for Sunderland (Mr. Candlish) with reference to the clerks in the Foreign Office.

MR. ANDERSON said, he would be glad to know whether the salaries in the Foreign Office were likely to undergo revision? He observed that the office porter had a salary of £230 a year. Surely this was too much.

MR. OTWAY said, he could not hold out any hope of a reduction in the number of clerks at the Foreign Office. He did not think the number was too large to enable them to get through the business satisfactorily. At times a great amount of work was thrown on the office, and as the entire business of the day was disposed of, as a rule, during the day, the clerks were often kept employed long after the hours when they might expect to leave; and, in the opinion of those best qualified to judge of the matter, it would not be possible to do the work satisfactorily, as at present, with a smaller staff. With regard to telegrams, the laying of the Atlantic Cable had made a large addition to the telegraphic expenditure of the Foreign Office, and as telegraphic communication was extended over the world, the charge would, no doubt, be increased. With a view to the interests of the public service, he was inclined to encourage, rather than discourage, the use of the telegraph. The hon. Member for Westmoreland stated that there was an instance of a telegraphic order for turtle being sent, but then it should be recollected this was a delicate fish, and a good deal might turn on the question of its punctual arrival. He only hoped with an increase of telegraphy there would be some diminution in the expense of the messages. The office porter, whose salary of £230 had been alluded to, had filled the situation of head porter for a considerable time, and had the custody of the building, with very valuable documents within its walls. His length of service and good guardianship of the building deserved some consideration.

MR. ALDERMAN LUSK said, he was surprised at the smallness rather than the greatness of the sum which the Government paid for their telegrams. He knew more than one private firm in the City which paid something like £5,000 a year for telegrams.

Vote *agreed to.*

(2.) £23,884, to complete the sum for the Colonial Office.

(3.) £27,413, to complete the sum for the Privy Council Office and Departments.

(4.) £68,033, to complete the sum for the Board of Trade and Departments.

MR. BOWRING said, that if he had had the honour of a seat in the House when the Bill for abolishing the Office of Vice President of the Board of Trade and substituting that of Parliamentary Secretary was before it, he should have opposed that measure, because he could speak from personal knowledge—having formerly served as Private Secretary to three several Presidents and Vice Presidents—of the public advantage of the old practice of having the President of the Board in one House and the Vice President in the other. He observed that there was an increase of £3,000 in the salaries, &c., of the Board of Trade, a large portion of which was caused by an addition to the senior clerks of the office. There were now twenty senior clerks—a number out of all proportion to the total clerical staff—and it was worth inquiry whether the office had not become top-heavy. He saw a gentleman down in the list as a corresponding clerk in the Railway Department, who was stated in the Estimates to have been appointed for the unusual period of eighteen months only, which seemed to require explanation. The Accountant of the Board of Trade had claimed his retirement, and he had been succeeded, at a salary of £1,000 a year, by a gentleman in no way connected with the Board of Trade. Now, nothing exercised a more injurious effect on a Department than bringing a stranger out of other professions or some other public Department, and putting him over the heads of deserving clerks, who had a right to look for promotion. The library of the Board of Trade was one of the most valuable collections of works on economical and statistical science in this or any other country. It consisted of upwards of 30,000 volumes, and was of the greatest possible use to the commercial department of the Board of Trade. He understood, however, that when the Board moved over to the building lately occupied by the Foreign Office in Whitehall Gardens, they left their valuable library behind them in a temporary wooden building, where it was exposed to the greatest risk from fire. He was told that the library would either be broken up or retained to form the nucleus of a large library common to all the Public Departments. Now, the value of the special library required by each Department consisted in its easy accessibility to the Department, for if it were necessary to send to a distance for a volume the chances were that it would seldom be consulted. He supposed that the librarian, a gentleman of considerable experience in the commercial business of the office, who received a salary of about £600 a year, would remain with the library, and thus the advantage of consulting him would likewise be in a great measure lost.

MR. SHAW-LEFEVRE said, the increase referred to was not due to the present Government, but to their predecessors in Office. There had been cases of retirement among the senior clerks, whose places had been filled up as usual from the juniors. An inquiry had, however, been instituted by the President of the Board of Trade into the whole work of the Department, and the Report was now under the consideration of the Treasury. A corresponding clerk had been appointed in connection with the railway accounts. When the accountant resigned, the President of the Board of Trade was exceedingly desirous of filling up the post from the Board of Trade itself, but he could not find anyone sufficiently fit to occupy it, and he appointed a gentleman who was Accountant to the Privy Council. The library was an exceedingly valuable one, and it was superintended by a librarian, a sub-librarian and a clerk. The volumes were formerly spread over the whole of the rooms, and it was not thought worth while to remove them to the late Foreign Office, now temporarily occupied by the Board of Trade. The library was, therefore, left in the temporary rooms of the Treasury buildings, where the volumes could be consulted by other Departments. The Board of Trade were now considering whether this might not be treated as a library for the whole of the Public Departments. He had never found any inconvenience himself in sending across the road for any books he might happen to want. His hon. Friend would, he hoped, excuse him for not entering upon the subject of the salary and appointment of the Parliamentary Secretary of the Board of Trade.

MR. ALDERMAN LUSK said, there was an increase of £3,300 in the Vote under consideration. The House of Commons, no doubt, was responsible for some of these additions, and the increase was mainly caused by the creation of new offices and officials, such as inspectors of factories, alkali works, &c. He suggested that fees should be charged, as in the case of the Joint-Stock Companies Registration Department. Those which were inspected ought, in his opinion, to pay for their inspection.

MR. GOLDNEY said, he thought the Government ought next Session to take up the question of the general reform of the Public Departments. The duties of some of the Departments, such as the Privy Council Office and the Home Office, had been greatly increased of late; while, on the other hand, the Inclosure Commissioners were probably not overburdened with work. It was a defect, too, of the present system that one Office hardly ever knew what another Department was doing.

MR. AYRTON said, in reply to his hon. Friend the Member for Finsbury (Mr. Alderman Lusk), he had to state that the question of making fees and charges reimburse the Exchequer the expense incurred by particular establishments had, to a considerable extent, already engaged the attention of Her Majesty's Government. It would be necessary, however, to examine carefully the provisions of numerous Acts of Parliament before an alteration in the present system could be proposed; but he hoped that during the approaching Recess the whole subject would be thoroughly investigated. In his opinion, when a special service was carried on for the benefit of a particular class, they ought to pay the cost of inspection.

Mr. SCLATER-BOOTH said, he was glad to hear that this subject was engaging the attention of the Government. His hon. Friend (Mr. Goldney) had asked the First Minister of the Crown to review the staff and *personnel* of the whole of the Public Departments; but to approach this subject in a comprehensive spirit would be to postpone its settlement for a great number of years. In his judgment it would be much more practicable to take each Department by itself and re-organize it from time to time.

Vote *agreed to.*

(5.) £1,921, to complete the sum for the Privy Seal Office.

(6.) £13,265, to complete the sum for the Charity Commission.

Mr. GOLDNEY said, that there had been some difficulty in carrying out the Resolution passed last year that the Charity Commissioners should defray their own expenses. There was a large number of charities the objects of which had altogether failed, as well as what might be termed demoralizing charities, and those charities in the City of London and elsewhere, in whose case there was no applicant, such as those for the release of slaves and of debtors in prison; and he should like to see a Bill brought in for the purpose of placing all those charities which were now obsolete or useless in a common fund, out of which the expenses of the Charity Commissioners might be paid. By that means new charities of great advantage to the public might be set on foot.

Mr. Alderman LUSK said, he concurred with the hon. Member for Chippenham. He might mention that in one case which came under his own observation, there was a certain sum of money left to bind a boy apprentice to a saddler yearly in a parish in which there was none.

Vote *agreed to.*

(7.) £6,694, to complete the sum for the Civil Service Commission.

(8.) £13,281, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

Mr. GOLDNEY said, he must point out the absurdity of having five Commissioners to do work 19-20ths of which was purely mechanical. He did not wish to interfere with existing appointments, but he hoped that as vacancies occurred the Government would see the expediency of not filling them up. One man at the head of the Commission, with assistants, would, he felt satisfied, be amply sufficient to carry on the business.

Mr. AYRTON said, the hon. Gentleman might rest assured that new Commissioners would not be appointed without very careful consideration.

Mr. ACLAND said, he had made a Motion in the early part of the Session, with reference to the question of having a responsible Minister to deal with agricultural subjects, and an assurance was given by the President of the Board of Trade that the matter should receive the attention of the Government. It was his belief that a good Minister of Agriculture would be able to do the work of the Copyhold Commissioners, and thus save the expense of that Department. He trusted that the Government had not lost sight of the subject, and would give it their careful attention at the earliest opportunity.

Mr. BRUCE begged to assure his hon. Friend (Mr. Acland) that the subject to which he had alluded had not been lost sight of; but, as it would require the re-adjustment of the business of several Departments, it had not been possible to make the necessary changes during the pressure of the Session.

Vote *agreed to.*

(9.) £7,000, to complete the sum for the Inclosure and Drainage Acts Expenses.

(10.) £25,324, to complete the sum for the Comptroller and Auditor General's Department.

(11.) £28,060, to completet he sum for the General Register Office.

Mr. CANDLISH said, he hoped means would be taken by the Secretary of State for the Home Department to extend the area over which the vital statistics of large towns were published weekly. If something like a population of 100,000 were the line adopted, many new elements of social life would be included—Merthyr Tydvil, for instance, with its mining population; Stoke, with its manufacture of pottery; and Sunderland, with its maritime and shipbuilding interests. The vital statistics of these large industrial populations would be extremely interesting, and their weekly publication would, no doubt, be attended by beneficial results. The additional expense would probably not exceed £100, or £200.

MR. BRUCE admitted that there was much force in what had been stated by his hon. Friend. The only objection that could be urged against extending the area of the large towns, whose vital statistics were published weekly, was the expense; and he was informed by the Registrar General that such an arrangement would involve some serious addition to the present expenditure. But he would make further inquiry; and if he found that the number of large towns could be increased, with no further addition to the expense than what his hon. Friend had stated, his suggestion would be adopted.

Vote *agreed to.*

(12.) £3,000, to complete the sum for the Lunacy Commission.

MR. SCLATER-BOOTH said, he thought it might be well that the salaries of the Lunacy Commissioners should be placed on the Votes.

MR. AYRTON said, it would require an alteration of the law to place these salaries on the Votes. They were now charged on the Consolidated Fund.

Vote *agreed to.*

(13.) £30,550, to complete the sum for the Mint.

(14.) £11,110, to complete the sum for the National Debt Office.

(15.) £23,669, to complete the sum for the Patent Office.

MR. DILLWYN said, he wished to call attention to the great additional expense which was thrown on patentees and inventors in making searches for patents previously granted, owing to the very imperfect indices kept in the Patent Office. Notwithstanding the large balance of £73,000, to which they had contributed, they were often obliged to expend £50 or £60 more than their fees, in order to find out whether their inventions had been anticipated. The staff was too limited.

MR. BOWRING said, that some five years ago a Committee was appointed to consider the question of the establishment of a patent museum, &c., and that Committee recommended that there should be associated with the Patent Office, a museum of patented inventions, and that a museum of mechanical inventions should be established on the Government land at South Kensington. A vote of £10,000 was consequently taken for it on the Estimates at that time, but was not proceeded with, and nothing more had since been heard of it. He should be glad of an explanation on the subject from the Secretary to the Treasury.

MR. AYRTON undertook that the observations of the hon. Member for Swansea (Mr. Dillwyn) should be communicated to the Attorney General; and after that, they would probably come under the consideration of the Treasury. But, he would remark, in reference to the sum put down, as derived from patents, that only one-half of the sum was derived from fees on granting patents, and the other half consisted of stamp duties on patents. With reference to the establishment of a patent museum, he observed that the Committee referred to were by no means unanimous, with respect to the conclusion they came to; and the Report of the Committee had not, consequently, carried with it any great weight. Nothing had been done with respect to buildings at South Kensington, as the whole of that question had been from time to time postponed.

MR. DILLWYN said, that the stamp duties were paid by the inventors, just as well as the fees on patents.

Vote *agreed to.*

(16.) £13,417, to complete the sum for the Paymaster General's Office.

(17.) £176,762, to complete the sum for the Poor Law Commission.

SIR MICHAEL HICKS-BEACH said, he desired to call attention to the internal system of the Poor Law Office, and to the arrangement of the work, which he thought might be altered very much for the better. In 1848 the expenditure for clerks at the Poor Law Board was £7,000, and there was a further sum of £1,800 for contingencies. This year the expenditure for clerks was £15,000, and for contingencies £2,400. The business, no doubt, had increased, but by no means in the same proportion. The right hon. Gentleman the President of the Board might say that no Public Department sent out so many letters as the Poor Law Board. Well, it was a disputed question whether they did not write many more letters than were necessary. They were, indeed, so frequent, and often upon such trivial subjects, as to be received, he feared, with a feeling of ridicule. In 1868 upwards of 64,000 letters were sent out by the Poor Law Board, but a large proportion were of a formal nature, and would not have been written by other Departments, but would have been printed or lithographed. A material reduction might thus be made in the number of clerks and others employed. In 1860 the right hon. Gentleman then at the head of the Poor Law Board (Mr. C. P. Villiers) expressed an opinion to the Treasury that the number of clerks might be diminished, and, in 1867, his right hon. Friend the Member for North Northamptonshire (Mr. Hunt), when Secretary to the Treasury, came to a similar conclusion. No doubt an Act was afterwards passed by his right hon. Friend (Mr. Gathorne Hardy) which threw a great deal of increased work upon the Department; but although the pressure might be great at the present moment, very much of the work would soon be completed and the pressure would then be considerably diminished. There were now two Secretaries to the Poor Law Board—a permanent Secretary and a Parliamentary Secretary — and two Under Secretaries, one a legal gentleman and one in the office. These had existed from 1848, and having himself filled the office of Parliamentary Secretary, he spoke with some knowledge of the subject when he said that this official and one of the Under Secretaries were doing work which might be performed by one man. In the Committee which sat upstairs a proposal was made —he believed by the hon. Member the present Secretary to the Treasury (Mr. Ayrton)—that the office of Parliamentary Secretary to the Poor Law Board should be abolished. [Mr. Ayrton: I believe I was the hon. Member who prevented it from being done.] It was said that it was necessary that this Office should be retained in case the President of the Board had a seat in the House of Lords. There was, no doubt, some force in that argument, but it was a very exceptional thing for him to be in the other House, and there would be no real hardship if the office were virtually confined to Members of this House. His own chief (the Earl of Devon) was the only head of the Department who had not been a Member of that House, the Members of which had, as a rule, more experience in the working of the Poor Law than those of the other House. The suggestions he had to make were that nine of the supplementary clerks should be abolished, that two of the senior clerks should be reduced, that one of the chief clerks should be abolished, and that one of the Assistant Secretaries should be abolished and his work done by the Parliamentary Secretary. Of course, these changes could not be immediately made, but he trusted that, as vacancies occurred, the right hon. Gentleman would carry out these recommendations. He knew that a great reform was also suggested — namely, whether the Poor Law Board might not do further useful work in the supervision of the Local Government Office. There were no better inspectors in any public Department than those of the Poor Law Board, and he should be sorry to see any reduction made in either their number or their salaries. He had made these few remarks because he was practically acquainted with the subject, and he begged in conclusion to express his belief that the changes he had suggested would unite economy with increased efficiency.

Mr. SCOURFIELD said, he thought that the superintendence of the pauper lunatics might be advantageously transferred to the Poor Law Commissioners.

Mr. SCLATER-BOOTH said, he wished to express his general concurrence in the remarks of his hon. Friend (Sir Michael Hicks-Beach). At the same time he was of opinion that it would be very inexpedient to abolish the office of Parliamentary Secretary, because it ought to be always possible for a Member of the House of Peers to occupy the office either of President or Secretary. It was highly desirable that the House of Lords should be made acquainted with what was going on in matters of such importance, and he was decidedly of opinion that there were many noble Lords as capable as Members of that House to hold either of the offices he had just referred to. It was remarkable that after the lapse of so many years he should have been the first Parliamentary Secretary who represented the Department in that House. The office had been too much of a sinecure, and this was a circumstance much to be regretted. It was absolutely necessary that in future the Parliamentary Secretary should be considered to have cognizance of all the business of the Department, and qualified, if not required, to answer for it in his place in Parliament. He hoped, therefore, that the precedent set by the late Government would be followed on a future occasion. The reduction of the establishment had been undoubtedly proposed by the right hon. Member for Wolverhampton (Mr. Villiers); but his right hon. Friend the Member for North Northamptonshire (Mr. Hunt) did not think fit to carry out the reduction to such an extent as had been proposed. He agreed with the remarks of his hon. Friend as to the superfluity of letter writing in the Department, and during his tenure of Office he had done all he could to diminish it. Under existing circumstances the right hon. Gentleman opposite could not be expected to give a pledge of immediate reduction, but if he turned his attention to diminishing the amount of work to be done, no doubt reduction would follow.

MR. ELLIOT said, he would be glad of an explanation respecting the expenses of some of the inspectors being in some cases merged in their salaries.

MR. GOSCHEN said, he thought the hon. Baronet (Sir Michael Hicks-Beach) who introduced this question supplied, in his own person, a most excellent argument for the retention of the office of Parliamentary Secretary, since but for the existence of that office the hon. Baronet would not have gained that accurate and extended knowledge of Poor Law matters which placed him in a position to contribute so usefully to the debates on that subject. The work of the Poor Law Board was quite as great as that of the Board of Trade, the Committee of Council on Education, and other Departments which had both a chief and a Parliamentary Secretary; and the tendency at present was to an increase rather than to a diminution of that work. He had himself derived valuable assistance from his hon. Friend the Parliamentary Secretary (Mr. A. Peel); and it would be highly desirable not to abolish the office—at all events, until the whole Poor Law system was changed. As regarded the number of letters written, or the number of persons to whom letters were addressed, he believed the correspondence of the Poor Law Board exceeded that of any other Department. When there were 700 Unions, the correspondence must be very voluminous, and though it might be possible to shorten and simplify the work, the details would always be enormous. But he must state that during the six months he had been in Office he had issued much fewer circulars than his predecessor, who had had a tendency to bombard Boards of Guardians with them. No doubt the Department was susceptible of improvement, and he should hesitate to fill up any vacancies as they occurred without taking into consideration those points which had been submitted by the hon. Baronet to the notice of the Committee. As to the increase of expenditure, he must remind hon. Members that the work to be done by the Poor Law Board had increased enormously. The public demanded more work of it, and the consequence was that if more was to be done, the cost of the machinery for doing the work would be naturally more or less increased. He should, however, turn his attention with the utmost care to the reduction of expenditure as far as possible. The incidental expenses, he might add, were greatly increased by the very large number of Returns which were moved for by hon. Members. Nothing, however, seemed to annoy a Member so much as the refusal of a Return. That very day he had been asked to give a Return which would cost £200, and would be, he thought, of very little value. In answer to the question which had been put by the hon. Member opposite (Mr. Elliot), he had to state that a new arrangement had been made with regard to inspectors, the whole salary being, in the case of the later inspectors, merged into one payment. As to the case of the pauper lunatics, the subject, with the exception of the heavy charge made for paupers in county asylums, had not been brought under the notice of the Government, but the entire question should receive consideration. A special knowledge was required to frame the regulations for pauper lunatics; but he must confess that he had been startled at seeing the sums charged for some of the county asylums.

Mr. GILPIN said, he believed that the office of Parliamentary Secretary to the Board, instead of being a sinecure, was one of great importance. Speaking with a considerable knowledge of the facts, he could state that only in one instance had that absence on the part of those filling that office, of which complaint was made, occurred; and in that instance the Parliamentary Secretary was also what was technically called a "Whip" of his party. He concurred in the view that in certain portions of the Department expense might be saved; but it should be borne in mind that there was no Department whose efficient working was of greater consequence to the country. It was an important question whether the Poor Law Board should interfere quite as much as it did with Boards of Guardians, and whether some saving might not be effected in that direction. He should be glad if the Board could, consistently with the performance of its other duties, take under its control the pauper lunatic asylums. The cost of their maintenance might, he believed, be very materially reduced by a better system of supervision.

Mr. ACLAND said, he knew that county rate-payers were dissatisfied with the expense of the lunatic asylums, and he believed that if the expenditure were brought more directly under the review of that House and the action of a responsible Minister great advantage would be the result. With respect to local taxation generally he trusted that the pledge given by the President of the Poor Law Board at the commencement of the Session to consider the subject would produce fruit at no distant period. He did not, however, believe that the investigation of the subject would do much in the way of transferring burthens from the land.

Mr. BLAKE said, he had visited almost every lunatic asylum in England, and he found they were better managed than those in Ireland, the patients receiving much greater advantages in the way of education and amusements. In the Irish lunatic asylums the average cost per head was £22, and in England £27 or £28; but then it must be remembered that in Ireland provisions were cheaper and the rate of wages lower, so that there was very little to complain of with respect to the difference of cost so far as this country was concerned. A considerable saving might, however, he thought, be effected by removing those lunatics who were hopelessly incurable from the asylums to the workhouse.

Mr. Alderman LUSK said, that the poor rates were becoming a very heavy burden, and there was an impression among some of his constituents that this burden was increased by large official expenditure; but he felt confident that the right hon. Gentleman at the head of the Poor Law Board would do his best to lessen all charges in his power.

Mr. KEKEWICH said, he thought it would be extremely difficult to reduce the staff of the Poor Law Department. There were few members of the Government of whom more questions were asked than of those connected with the Poor Law Department; and there were few who gave more satisfactory answers, whether of those now in Office or of their predecessors. He was exceedingly anxious that by some means or other the Poor Law inspectors should become inspectors of pauper lunatic asylums; but looking to the increased price of provisions, he hoped the right hon. Gentleman (the President of the Poor Law Board) would not think that those asylums were managed in an expensive way. In Devon they had never been able to get the weekly cost of maintenance under 8*s.* a week, and it was now 9*s.* 6*d.* Having been chairman of the Visiting Committee of the Devon County Asylum for twenty years, he knew it was the opinion of medical men that the poor inmates had no chance of recovering unless their physical strength was well sustained with food. The question of local taxation was a most difficult one; but he was of opinion that some portion of the sum required for pauper lunatic asylums should be thrown on the Consolidated Fund.

Sir MICHAEL HICKS-BEACH explained that he never intended to imply that the office of Parliamentary Secretary of the Poor Law Board should be abolished, but rather that the Gentleman holding the office should perform a certain amount of office work.

Mr. GOSCHEN said, he could assure

his hon. Friend the Member for North Devon (Mr. Acland) that the Government would by no means shrink from the investigation of the subject of local taxation, but would give their earnest attention to it during the Recess, and he trusted that by-and-by they would be able to submit measures dealing with the question.

Vote *agreed to.*

(18.) £14,624, to complete the sum for the Record Office.

MR. MONK said, he wished for some explanation of the item £481 charged by the police for watching the Record Office.

MR. AYRTON said, the charge was made in respect of the special guardianship of the police, required in consequence of the extreme value of the contents of the Record Office.

Vote *agreed to.*

(19.) £3,009, to complete the sum for the Public Works Loan and West India Islands Relief Commissions.

(20.) £1,684, to complete the sum for the Registrars of Friendly Societies.

(21.) Motion made, and Question proposed,

> "That a sum, not exceeding £264,135, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Stationery, Printing, Binding, and Printed Books for the several Public Departments, and for Stationery, Printing, Binding, and Paper for the two Houses of Parliament, including the Salaries and Expenses of the Stationery Office."

MR. SCOURFIELD said, it was much easier finding fault with this large amount than suggesting a remedy. He had once suggested that if every hon. Member were obliged to pay a small percentage on the cost of the Returns moved for, he might not be so ready in moving for them; but certainly before Returns were granted some estimate of their expense might be made, and it might then be put to Members whether they would insist on their production in view of the expense they would occasion. On one occasion the same Paper appeared in two Returns laid on the table at the same time.

MR. RYLANDS said, he begged to call attention to the item of £13,285 for the sale of waste paper and Parliamentary Papers, with a view of suggesting a mode of utilizing a portion of them. He wished to draw the attention of the hon. Gentleman the Secretary of the Treasury to the Report of the Select Committee on Parliamentary Papers appointed in 1853, of which Mr. Tuffnell was the Chairman, and Mr. Ewart, Mr. Brotherton, Mr. Hume, and other distinguished Members of the House were Members. The Committee reported that all the witnesses, who gave evidence on the subject, were agreed as to the great advantage that would accrue from a general diffusion of Parliamentary Papers, by dispelling ignorance, correcting misrepresentations, and enabling the mass of the people to form for themselves a just opinion upon subjects of legislation, and other important questions of the day. One of the witnesses, the Rev. Dr. Booth, F.R.S., said—

> "I think on public grounds the country should know what is done in Parliament; that as Parliament has thrown open to the public what is said in Parliament, it ought also to have the means of access to know what is done in Parliament."

And if this opinion were correct in 1853 it was still more applicable at the present day, when so large an increase had been made in the number of the constituencies. The Committee, after hearing a considerable number of witnesses, recommended that a selection of Parliamentary Papers should be sent to mechanics' institutions, and other popular literary institutions, and in the case of free libraries, established under Mr. Ewart's Act, they recommended that the whole of the Parliamentary Papers should be sent free of charge immediately upon publication. He (Mr. Rylands) regretted that this recommendation of the Committee had never been attended to, as there was really no difficulty in carrying it out, and the cost would be practically nothing. He believed that free public libraries had been established in about forty towns. The actual number was not accurately known, though they would shortly be in possession of the information, as a Return had been moved for by his hon. Friend the Member for Leeds (Mr. Baines). The Act had to be adopted in the first instance by a majority of the rate-payers at a public meeting, and the Town Council had power to levy a rate in support of a free library and museum not exceeding 1*d.* in the pound, the management and property being vested in public authorities. They, therefore, possessed a permanent character which justified the recommendation of the Parliamentary Papers Committee. In other respects these institutions deserved every assistance, as they were of great use to the working classes in large towns. In Liverpool the Town Council devoted £10,000 a year to its museum and library, and about 1,000,000 volumes were annually issued. Manchester paid £5,000 a year, and its library issued 673,432 volumes annually. Sheffield paid £1,800 a year, and issued 162,573 volumes. The Birmingham library issued nearly 250,000 volumes annually, and so with the libraries in similar proportions in other large towns. As to other public libraries connected with mechanics' institutions, &c., it was recommended that a Select Committee should sit from year to year to decide to which of them the papers and blue-books should be supplied. He believed that there were many intelligent working men connected with those institutions who would be glad to have an opportunity of seeing Parliamentary Papers, and who would probably make good use of them, by calling the attention of their representatives to many matters of interest. In the case of the Estimates, even, he thought it not unlikely that if the bulky book of the Civil Service Estimates, which they were then discussing, were brought more generally under public notice, the effect would be to lessen many charges in future years. In addition to the ordinary Parliamentary Papers, he (Mr. Rylands) urged that the calendars and historical documents published by the Record Office, and for which considerable sums of public money were voted, should be presented to the free public libraries, established under Mr. Ewart's Act.

Mr. O'REILLY DEASE said, many of the documents printed by order of Parliament were utterly worthless.

Mr. CANDLISH said, he had heard a great deal of the expense incurred by printing the Returns of private Members, and in order to test the matter he had moved for a Return on this subject. He found that out of an expenditure of £413,000 last year for Parliamentary printing, the cost of printing the Returns moved for by private Members did not exceed £4,700. This showed conclusively that this Vote was not unduly swollen by the Returns moved for by private Members. He trusted the day was far distant when, under the plea of saving public money, they should combine to keep the public in the dark as to the work of Parliament.

Mr. PIM said, he agreed with the hon. Member for Warrington (Mr. Rylands) that the distribution of Parliamentary Papers would supply the most valuable information on political affairs. Some economy might be effected if a larger proportion of blue books were sent to those Members only who expressed a desire to have them. For himself he did not know what to do with so many.

Mr. AYRTON said, a great deal of misapprehension existed both inside and outside the House with regard to this Vote of £71,750 for Parliamentary printing. The sum included the whole expense of the printing operations of both Houses of Parliament. Those operations were not confined to the mere printing of Returns, but extended to the printing of all documents necessary for the information of the 658 Members of the House of Commons, and the Members—more than 400 in number—of the House of Peers, as to all done the day before, and all to be done on the current day. This required an expensive system of printing to be carried on between two and eight o'clock a.m. The Vote also included printing connected with the proceedings of Committees and Royal Commissions, which was also of a very expensive kind. He was glad that his hon. Friend the Member for Sunderland (Mr. Candlish) had obtained the Return, which showed that no less than £4,700 had been spent in satisfying the demands of hon. Members who moved for the production of Returns. The question of economizing printing under this head had been under the consideration of the Printing Committee during the present Session. As to the circulation of Papers, he might mention that attempts were made every Session to discriminate between Papers which it was probable a great many Members might not desire to see, and those which every Member ought to peruse in order that they might properly discharge their duties in that House. Her Majesty's Government, however, felt great delicacy in withholding Papers from hon. Members. The Printing Committee had been lately considering how far the system of printing only a limited number of certain Papers might be extended, and in many cases only 250 copies were printed instead of between 600 and 700. One hon. Member had suggested that instead of limiting the circulation of these Papers they ought to be sent all over the country for the information of the working classes; but he could not help thinking that the people had access to so large an amount of instructive literature that they had much better not embark upon the study of Parliamentary Papers which, he thought in many instances, would only be misunderstood. It was far better to leave to periodical publicists the task which they so ably performed of popularizing the information contained in the more interesting of those documents. In conclusion, he assured hon. Members that the Printing Committee would do all it could to keep down the expense of printing within the narrowest limits which were consistent with the legitimate requirements of the House.

MR. MONK said, he wished to call attention to the enormous item of £9,870, arising from the sale of waste paper, consisting of the publications of the Record Office. He would suggest that fewer copies of documents should be printed. As to sending the Parliamentary Papers and blue books to mechanics' institutes and free libraries, he had tried the experiment in the city he represented (Gloucester), and he afterwards found that the copies he sent were all covered with dust.

MR. MILLER said, he should be glad to know if the printing was done at the lowest cost for which the work could be done. He thought the salaries in the Stationery Office, in some cases, were exorbitant. There was an Examiner of Binding at £450 a year, while a respectable journeyman bookbinder would do the work better. The same system seemed to prevail here which he was ashamed to find in Scotland—of first appointing a big man with a big salary, and then appointing a small man to do the work.

COLONEL SYKES said, he supposed that when the Secretary of the Treasury spoke of statistics being misleading, he meant the word to apply to his own estimates. Statistics meant a statement of facts, and facts could not be erroneous. He was of opinion that although there were many Parliamentary Papers, such, for instance, as the Poor Law Returns, which there would be no use in furnishing to the public, Papers such as the Estimates and the Statutes as they were passed, might, with advantage, be supplied to mechanics' institutes and free libraries throughout the country.

MR. SERJEANT DOWSE said, he had been a member of the Library Committee of the Dublin Society, of which the *élite* of the working classes were members, and that he found the Parliamentary Papers with which it was supplied were put in places where they could not be got at. He might add that if they could be got at they would not be read, and since he had been a Member of Parliament himself he by no means felt disposed to quarrel with the taste of those who felt no inclination for such reading.

MR. M'LAREN said, that it made little difference in the expense of supplying a Parliamentary Paper, whether 200 or 500 copies were printed. The great waste was incurred in the printing of matter which was totally useless, seeing that the waste paper which was sold for £13,285 must have cost nearly £52,000 in white sheets. For the first time in his life he found the work of printing in Dublin cheaper than in Edinburgh. The *Dublin Gazette* cost £285 17*s.* 2*d.*, the *Edinburgh Gazette* cost £1,138 19*s.* 10*d.* He should like to know from the Secretary of the Treasury how much of the printed work in the case of the *Edinburgh Gazette* was done in that city, how much of it was contracted for, and what was the date of the contracts. As to sending Parliamentary Papers to the libraries throughout the country, that, he thought would be a useless expense; but if every Member were allowed to send, free by post, the copies which he did not wish to retain, the privilege being limited—say, to those who sent through the post office of the House itself—much benefit might result, because then they might be sent to those who were known to take an interest in the subject to which they related.

MR. GLADSTONE said, he must protest against the closing sentence of his hon. Friend's remarks. Of all descriptions of public expenditure, by far the worst, in his opinion, was that which was never brought to account, and which the House of Commons had no means of ascertaining or criticizing. If they went back to the old system of compelling the Post Office to do a great deal of gratuitous work for the public, they would be taxing the people of this country without their knowing it. Bills were now distributed gratuitously from that House, and when it was taken into account how great was the interest which persons had in those Bills, and how desirable it was that they should be speedily distributed, he was not prepared to offer any objection to that being done. But to send a large mass of Parliamentary Papers through the Post Office free of charge, and thus to impose a heavy tax on the public, was, he felt sure, a proposal to which his hon. Friend would not adhere. Experience had satisfied the heads of the Public Departments that the gratuitous distribution of these Papers was unwise. These Papers were produced and sold, he believed, considerably under cost price, and if they were circulated gratuitously there was no doubt that many would desire to have them, who did not want them, merely because they could get them for nothing, taking no account of the fact that the public money had been expended upon them. The subject was a very fair one for investigation, and before anything was done the matter should be examined by a Committee. He must say a word in defence of the Stationery Department. As far as the arrangements of the House of Commons were concerned, they were better than formerly, but they were still defective, and, in the main, they were accountable for the production of this great mass of waste paper. Justice should be done to the efforts of public servants out-of-doors; and he must say that ever since the Stationery Department was placed under the late Mr. McCulloch it had been conducted in a spirit of great economy. If there were room for amendment—as he did not deny there might be—he was satisfied that any suggestion proceeding from that House would be met by the Stationery Department in a spirit of sympathy and co-operation.

Mr. MACFIE said, he thought that the publications of the Patent Office, would, if distributed, be found very acceptable by persons throughout the country.

Mr. MILLER said, that unless some satisfactory explanation of the item of Examiner of Binding were given he would move that his salary, amounting to £450, be struck out.

Mr. AYRTON stated that the Examiner of Binding superintended to a very large amount the binding for all the Departments, and the office must necessarily be filled by a person of intelligence and of considerable responsibility. He was not aware of the state of the contracts in Edinburgh; but the officers of the Government had revised the contracts for the printing for this House, and had shown a disposition to retrench.

Mr. KINNAIRD said, that the Examiner of Binding ought to be a practical man and a most competent person, for a man to do this duty might be obtained for £100 a year. It was melancholy to observe the change in his hon. Friend the Secretary to the Treasury (Mr. Ayrton), who, when an independent Member below the Gangway, was most active in picking out these faults in the Estimates, but was now, when in Office, the most ready defender of them.

Mr. HUNT said, that a similar observation was made in the time of Lord Palmerston, and the noble Lord explained that independent Members, when they came into Office, found that what they had before thought unreasonable and improper was both reasonable and proper.

Mr. AYRTON said, he had endeavoured to show that this salary was not for a workman, but for a master, who had bookbinding to the amount of £39,000 to superintend, and had a very large number of men under him.

Mr. SHERLOCK said, he thought that the House should turn its attention to large comprehensive items, for to strike at these small items was not the true principle of economy.

Sir ROBERT ANSTRUTHER said, he thought, on the other hand, that if they wanted to effect reductions they must look after the small items.

Mr. CRAUFURD said, he wished for further information as to the cost of the paper, binding, and printing.

Mr. MILLER moved that the Vote be reduced by £450, the salary of the Examiner of Binding, and by £500, the salary of the Examiner of Paper, being a total reduction of £950.

Motion made, and Question proposed,

"That a sum, not exceeding £263,185, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for Stationery, Printing, Binding, and Printed Books for the several Public Departments, and for Stationery, Printing, Binding, and Paper for the two Houses of Parliament, including the Salaries and Expenses of the Stationery Office."—(*Mr. Miller.*)

Question put.

The Committee *divided:* — Ayes 35; Noes 110: Majority 75.

Original Question put, and *agreed to.*

(22.) Motion made, and Question proposed,

"That a sum, not exceeding £18,227, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, and of the Office of Land Revenue, Records, and Inrolments."

MR. ALDERMAN W. LAWRENCE said, he wished to call attention to an item in this Vote of £143 15*s.* for keeping the Queen's Road, better known as Kensington Palace Gardens, private, except for carriages. There was a keeper at either end of the road, and he (Mr. Alderman Lawrence) had himself seen great inconvenience arise from the manner in which the regulations were enforced. Cabs with fares had entered at one gate—the keeper being away—and had been turned back when they arrived within a few yards of the exit. When the public had been allowed to travel in public cabs across St. James' Park in front of the Royal Palace, and also across Hyde Park, it seemed inconsistent that this exclusiveness should be maintained in Kensington Palace Gardens, in regard to a palace not in the Royal occupation, and to a road partly kept up at the public expense. The truth was that the Woods and Forests always acted antagonistically to the public advantage, and were always ready to erect barricades against the public. The road was about 100 feet wide, and there was no reason why cabs should not traverse it. If, however, the occupants of the houses insisted on keeping it private the least they could do was to pay this £143 15*s.* 11*d.*

MR. AYRTON said, that this road was part of the estate of the Crown, and the Woods and Forests were the guardians of the rights of the nation. The mistake was in considering these roads as the property of the inhabitants of the metropolis. The estate in question was laid out for improvement, and fine mansions were built upon it on certain conditions and with certain advantages, one of which was that the road should be kept private. Other portions of the property of the Crown in various parts of the metropolis were let on building leases on similar terms, and the leaseholders claimed the right of putting up gates and closing the roads against public vehicles in consideration of the large ground-rents they paid. Whenever the Metropolitan Board of Works were able to consider this question, it would be for them to discover whether, and in what manner, they could free these gates, with or without compensation, and consistently with the rights of particular parties. With regard to the form of these accounts, the matter had been before the Committee of Public Accounts, and their Report would be considered by the Government before the next Estimates were framed.

MR. LOCKE said, the Secretary to the Treasury was in error if he supposed that these gates were maintained by the proprietors of the houses on the estates of the Crown. He lived among gates in a part of the town sometimes called Belgravia, and he and other occupiers of houses paid £1 1*s.* a year to the people who looked after these gates. He said with confidence that the Woods and Forests was a Department which was not entitled to the slightest consideration from that House. It was a Department that was leagued against the British public, and which endeavoured to do them all the mischief it possibly could. He had the honour to be the Chairman of the Select Committee on Open Spaces, and it came to their knowledge that the Woods and Forests had let out to different persons the right to dig gravel over Blackheath, which was disfigured by enormous holes in consequence. And how much did the Committee think the Woods and Forests received for damaging and disfiguring this splendid recreation ground? Why, the trumpery sum of £54 a year. Blackheath was a place on which people rode, although, he admitted, it was sometimes on donkeys. That, perhaps, was a reason why so aristocratic a body as the Woods and Forests discountenanced such recreation. The Committee had Mr. Gore before them and asked him how he reconciled it to himself to commit such an infamy. Strong words were, in fact, used to Mr. Gore, but he cared not. He said—

> "I care not for the British public at large, or for the British public in particular. My only duty is to exact as much as I possibly can, and when I do so I am upheld by those in high authority."

Mr. Gore now said that no one in a cab should go along this road in Kensington Palace Gardens, and to the power of saying this he joined the power of mulcting the public in the sum of £143 for keeping up the road. This was not a new question, and he commended it to the attention of the Secretary to the Treasury. If the inhabitants of these gardens insisted on having a private road let them pay for it, like the inhabitants of Belgravia.

Lord HENRY LENNOX said, that without joining in an attack upon the Woods and Forests, he hoped the roadway would be opened, as a great benefit would be thereby conferred on the inhabitants of the district.

Mr. KINNAIRD said, he could endorse what the hon. Member for Southwark had said respecting the Woods and Forests. The Thames Embankment had been vehemently opposed by that Department, which engaged in an expensive and tedious dispute with the Metropolitan Board of Works on the subject. Surely nothing could be more unseemly than the spectacle of two public Departments fighting each other in such a manner.

Mr. GOLDNEY said, that there were in the metropolis no fewer than 247 of these private obstructions. He hoped the roadway would be thrown open to the public. The Government must, sooner or later, take up this question of private obstructions.

Mr. AYRTON said, that two or three years ago he presented to the House the Report of a Committee, which recommended a method of dealing with this question. The recommendation was to the effect that the Metropolitan Board of Works should, at the instance of the local authorities, take immediate measures to free the metropolis from these interruptions of private gates. It was the duty of the Board in accordance with that Report, to communicate with the Commissioners of Woods and Forests, in order to free the roads from the gates. If no steps had been taken it must be owing to the neglect of the local authorities.

Sir PATRICK O'BRIEN said, it was not the duty of the Committee to enter, on the present occasion, into a discussion of the larger question raised by the Secretary to the Treasury, as to roads upon private property, but to consider that of a road upon Government property, and which was closed to the public. He moved that the Vote be reduced by £143, the sum paid for the maintenance of the gatekeepers.

Motion made, and Question proposed,

"That a sum, not exceeding £18,084, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, and of the Office of Land Revenue, Records, and Inrolments."—(*Sir Patrick O'Brien.*)

Mr. Alderman W. LAWRENCE said, he was dissatisfied with the answer of the hon. Gentleman the Secretary to the Treasury. This roadway could not be opened until the Government took the matter in hand, and it was idle, therefore, to attempt to throw the odium on the Board of Works, or the local authorities.

Mr. STANSFELD said, the Motion could not be received, as the £143 formed no charge in the Vote under consideration.

Colonel BARTTELOT said, that the money ought not to be paid except on the assurance that the roadway would be opened.

Sir PATRICK O'BRIEN asked the Chairman if he was out of Order in moving that the Vote be reduced by £143?

The CHAIRMAN ruled that it was quite competent for the hon. Baronet to move the reduction of the Vote.

Mr. AYRTON said, this part of the Crown estates was let on building leases at very high rents, and the sum of £143 was a portion of the expense required to obtain those high rents. Before the gates could be opened it was necessary that the local authorities of the district or of the metropolis should make with the Crown the arrangements requisite for converting that part of the estates of the Crown into a public road.

Lord HENRY LENNOX said, he did not think the hon. Baronet (Sir Patrick O'Brien) would divide the Committee if the Secretary to the Treasury would give an engagement that the Government would bring their influence to bear upon the mysterious local authority to which he alluded, with the view of inducing it to open the street for the use of the public.

MR. BROGDEN said, he thought that 25 per cent on the gross rental was a very extravagant sum for the management of the property.

MR. CANDLISH said, that if there was a proprietary obligation to keep the road closed, the lessees of the houses would have a claim for compensation if it were opened against their consent.

MR. AYRTON said, if the local authorities, whether the parish or the Metropolitan Board, would undertake to maintain the road as a public road, there would be no objection.

MR. STANSFELD said, that even if the Motion for the reduction of the Vote were carried, it would in no way effect the object which the hon. Baronet who made it had in view, but would merely reduce the salaries of the clerks. He might add that the Motion was not needed to induce the Government to look into the matter in the public interest.

SIR PATRICK O'BRIEN said, after that promise he would withdraw his Motion.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(23.) Motion made, and Question proposed,

"That a sum, not exceeding £18,722, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings."

MR. SCLATER-BOOTH said, he had to complain that a correspondence which the Secretary to the Treasury had promised some time ago should be laid on the table of the House, relating to the changes which had been made in the establishment of Works and Public Buildings, had not been produced. The Estimate, as it stood, contained on the face of it no explanation of those changes, and he was disposed, under these circumstances, to ask that it should be postponed. From the Estimate it appeared that the expenses of the secretariat had been reduced by £500 a year, but then there was a new officer called the Surveyor of Works, who was to have £750 a year, so that there was a net increase for the secretariat in reality of £250 a year. Then the salary of the Architect and Surveyor was reduced from £1,000 a year to £750. The architect was Mr. Pennethorne, and it was reported that that gentleman had been dismissed, and that the reduction of salary was connected with his dismissal. He should like to know who was the officer who was to succeed Mr. Pennethorne, and what were to be his duties.

MR. LAYARD said, that when he had acceded to his present office, he found that a most valuable public officer, Mr. Austin, the Secretary, having resigned his place, it was absolutely necessary to fill it up without delay. He at the same time found no officer in the Department competent to give the First Commissioner advice on the many questions relating to architecture and estimates which were constantly being brought before him. Mr. Pennethorne was called the architectural adviser of the Office of Works, but he was at the same time an architect engaged in the practice of his art, and therefore he did not feel that it was open to him to give an opinion on the estimates and plans of other architects. He thought it fair, Mr. Austin having resigned, that he should be succeeded by Mr. George Russell, a gentleman who had long filled the office of Assistant Secretary with much ability. A place then remained to be filled, and it seemed to him that it ought to be filled by a gentleman of competent architectural knowledge, who was at the same time not a practising architect, and who could advise the First Commissioner upon the questions connected with public buildings which were constantly brought before him. It was difficult to find such a person, and, indeed, there was but one name which presented itself, and that was that of Mr. Fergusson. He proposed to that gentleman that he should accept the office of Secretary for Works and Buildings, and the House would admit that the salary of £750 was a moderate one for a gentleman of his distinction and reputation. For a short time Mr. Pennethorne would continue in office, as it was thought desirable to retain his services while certain sales and Government works, in which he was directly concerned, were going on. A reduction of £200 was made in the salary of the Secretary. The Surveyor of Works, Mr. Hunt, who had £1,000 a year, agreed to a reduction of 25 per cent. Other salaries had also been reduced, and now, with the addition of Mr. Fergusson, there was no increase of expense in the staff of the Department.

Mr. GOLDNEY said, he understood from the right hon. Gentleman's explanation that Mr. Pennethorne was dismissed because he had private business, and that a Surveyor of Works was appointed who was still to have the power of carrying on private business.

Mr. LAYARD said, that in the one case an architect had been employed who received a percentage, and in the other case the person employed would only give his professional advice without having to construct any buildings for the Government.

Mr. HUNT said, that the question put to the right hon. Gentleman had remained unanswered, which was why certain correspondence passing between the Treasury and the First Commissioner of Works had not been produced; and he thought that the Vote should be postponed until the correspondence was produced. The reduction in the Vote appeared to be only nominal, as the travelling expenses had increased.

Mr. AYRTON said, there were two questions—that of the permanent arrangement and that of the temporary. The former architect and surveyor was in the delicate position of being consulting and advising officer of the Department, while, at the same time, he had the privilege of undertaking works for the Government, on which he was paid by a percentage as in his private practice; therefore, in the latter capacity he came into competition with any architect whom the Government might desire to employ, and could not, consequently, properly revise the operations of a person who might be his competitor. In the new Secretary for Works and Buildings his right hon. Friend would find an officer able to advise him on all operations in his Department. With regard to Mr. Pennethorne, it was necessary to make a special arrangement to the effect that he should complete the works which he had in hand. The Papers were now in readiness for production, and would be presented. They had not been kept back an hour longer than was necessary, and there was even now wanting one letter to complete the correspondence. He trusted, therefore, the Committee would not think it necessary to postpone the Vote.

Colonel SYKES said, he hoped there would be a reduction in the furniture department. One of the charges was for a clerk of the furniture, with a salary of £600 a year; while altogether not less than fifteen persons were employed in that department.

Mr. BOWRING said, he wished to bear testimony to the great value of Mr. Hunt's services.

Lord HENRY LENNOX said, he hoped the Government would not object to the postponement of this Vote. The correspondence relative to the change in the office had been promised three months ago, and had not yet been produced. What the Committee desired to know was why a gentleman of Mr. Hunt's qualifications had consented to take a salary of £750 instead of £1,000. Was he to be recouped by any portion of the item in which there was a large increase for travelling and personal expenses?

Sir WILLIAM GALLWEY said, he also desired to bear testimony to the eminent character and valuable services of Mr. Hunt. He wished, however, to know whether Mr. Fergusson and Mr. Hunt were to have the privilege of carrying on private business? He did not believe that a more able or more disinterested person existed than Mr. Pennethorne, who was also an old servant of the Government. He wished to know if that gentleman was to leave the service without any retiring pension or allowance.

Mr. M'LAREN said, he wished to ask whether it was not the fact that all estimates and plans for public buildings in Scotland were prepared by one gentleman, Mr. Matheson, at a salary of £925. He could not understand how fifteen persons appointed to examine furniture for the public offices should receive a yearly sum of £4,000.

Mr. LAYARD said, Mr. Hunt had behaved in the most generous manner. The desire being to make the office more efficient without increasing the expenditure, Mr. Hunt had himself offered to give up 25 per cent of his retaining fee. No part of that reduction would be made up by allowances for travelling and personal expenses. Mr. Hunt was a most valuable public servant, and had saved the office many thousands of pounds. There was no intention to lay the slightest blame on Mr. Pennethorne, and the only object had been to release him from a disagreeable position. Mr. Fergusson was not a practising architect, and could give an independent opinion on all matters connected with architecture. He could state that during the three or four months Mr. Fergusson had been in office his services had saved many thousands of pounds to the public. With regard to the Scottish business, the salary of £925 did not include travelling expenses. He should use the best exertions he could to reduce the expenditure on furniture, not only in London, but in all the public offices wherever placed. Mr. Austin, it is believed, had saved £50,000 a year by his system of checks on the expenditure on furniture, and it was this gentleman who formed the present staff and introduced the present system. He hoped the right hon. Gentleman opposite (Mr. Hunt) would not insist on the postponement of the Vote, which would lead to great inconvenience. There had really been no desire to delay the production of the correspondence. As soon as Mr. Pennethorne had finished the works in hand he would receive his pension, and he was perfectly satisfied with the arrangements made.

MR. CRAUFURD said, many Gentlemen round him were not at all satisfied with the explanation relative to furniture. While the item for furniture was £14,000, the cost of examining the furniture accounts was £4,000 a year. He moved to reduce the Vote by half that item—namely, £2,000.

Whereupon Motion made, and Question proposed,

"That a sum, not exceeding £16,722, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings,"—(*Mr. Craufurd.*)

MR. AYRTON said, that one of the most onerous duties thrown upon the Office of Works was to control and examine the demands for furniture and fittings which were incessantly made from all the other Departments. The savings resulting from these investigations amounted to many thousands a year.

Question put, and *negatived.*

Original Question put, and *agreed to.*

(24.) £18,000, Foreign and other Secret Services.

MR. ALDERMAN LUSK said, he wished to express his gratification at the reduction of £5,000 in this Vote, and assumed that next year would see a further and similar reduction.

Vote *agreed to.*

(25.) Motion made, and Question proposed,

"That a sum, not exceeding £4,317, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1870, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue."

MR. ALDERMAN LUSK said, he must object to the item of £217 13*s.* for Queen's Plates. He viewed with much disapprobation and feelings akin to disgust the system of plunder carried on in connection with races, which led to men ruining themselves by wholesale. This might be of little consequence to Dukes and Earls, who were supposed to be able to take care of themselves, but he much feared that the same system was spreading widely amongst the lower classes, and the House ought not to encourage it. He denied that there was any real pleasure or amusement in this feverish pursuit, and looked upon the allegation of improvement in the breed of horses as a mere pretence to cover a most demoralizing system. He moved that the Vote be reduced by the sum of £217 13*s.* for Queen's Plates.

Whereupon Motion made, and Question proposed,

"That the Item of £217 13*s.*, for Queen's Plates, be omitted from the proposed Vote."—(*Mr. Lusk.*)

MR. SCLATER-BOOTH said, he would beg to ask whether the hon. Gentleman the Secretary to the Treasury would state, before the Report was brought up, what were the intentions of the Government with regard to the office of Lord Treasurer and Queen's Remembrancer?

Mr. AYRTON replied in the affirmative.

Mr. M'LAREN said, he wished to know the amount of fees received in the Lord Lyon's Office for patents of heraldry, and why they were not stated in the Estimate?

Mr. AYRTON said, he could not at present answer the question, but he would make inquiry and state the result.

Question put,

The Committee *divided:*—Ayes 73; Noes 191: Majority 118.

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported upon *Monday* next.

Committee to sit again upon *Wednesday.*

## PAROCHIAL SCHOOLS (SCOTLAND) BILL.

[Bill 164.]—[*Lords.*]

### SECOND READING.

Order for Second Reading read.

The LORD ADVOCATE, in moving that the Bill be now read the second time, said: I think, Sir, looking at the lateness of the hour, and on the terms of the understanding which we have come to with some of the Scotch Members of this House, I shall content myself on the present occasion with stating very shortly the views of Her Majesty's Government on this Bill sent down to us from "another place" leaving the general discussion of the details until we go into Committee. At the same time, it is impossible not to acknowledge the very great importance of the measure the second reading of which I have now to move—an importance which, in my opinion—and I think in the opinion of Her Majesty's Government—was not in the least exaggerated in the speech of the noble Duke (the Duke of Argyll) who introduced it in "another place." We have spent this Session in doing, or in attempting to do, what is termed on this side of the House an act of justice to 5,000,000 of our countrymen in Ireland. But, Sir, I think it will be not less a distinction of this the first Session of the first Reformed Parliament that, while we have disestablished and disendowed the Church of the minority in Ireland, we shall have established and endowed a system of education for the whole of our 3,000,000 countrymen north of the Tweed.

I propose to confine myself at present to a simple outline of this Bill—to explain the alterations we propose to make upon the Bill as it has been sent down to us from the House of Lords. There are some things, certainly, I need not enlarge upon. I need not in this House, and speaking to Scotch Members, say a word on the importance of the education of the people. We have known it by experience, and are encouraged by that experience to attach to it the importance we do. And, at the same time, I would remind hon. Members that, while we are proposing to reduce pauperism, and are dealing with social questions in order to the removal of crime, what we can do in the way of education will prove of greater importance than anything else we could do, and if we can succeed, therefore, in founding, as we hope to do, a system of education which will thoroughly educate the people, we shall do more to diminish poor rates, to diminish intemperance, and to diminish crime than all the Bills for the direct purpose of such diminution that will be passed by this Parliament. In the second place, Sir, there is no difference of opinion in Scotland on the question that a national system of education is preferable to a denominational one. I need not prove it, because we have experienced the benefit of it. We have a national system of education, and we seek to extend it. The reasons why we are attached to a national system are, in the first place, that denominational efforts will not accomplish the work we seek to do. We may indeed in some special districts so conduct education on the denominational system as to be able to say that the average of education is high; but what is it to the district where the average is low that in some other more favoured quarter the average is high? Our object is to bring education to the door of the people, and we should not have done our duty if we had left any part of the country without the means of education furnished to it. Therefore, what we propose, and are in favour of, is that we shall have a system of national education not dependent upon voluntary effort—not resting on denominational work—not dependent, therefore, upon fitful efforts of individuals, but fixed down by legal provisions, so that it shall not be chance, but certainty, that the education of the people is provided for. But there is another element in the national system to which I attach very great value. It is strongly the view of Scotland that all the people should be, if possible, educated in the same school. All ranks, all religions, should be so educated. That was the old Scotch principle, and therefore, Sir, I need not say more for the purpose of showing that a national system of education is the right one. We have it already, and wish to extend it. The third matter of general topic I think I may exclude, is, that education in the local schools ought not to be confined to the elementary branches. We have been in the habit in our parochial schools of considering them, not as merely elementary schools, but as schools for the whole people of the district in which they are placed. Many men who have risen to eminence since have never received any education except what they received in one of these schools. I believe also that a very large percentage of the students who enter at the Scotch Universities come directly from the parish schools, and I should therefore be very sorry to lose sight of this principle indeed. I hope that, under the measure we have now before us, it may be still further enlarged. These are the general principles of our system—that, wherever an efficient school is required, such a school shall be had. That is a very simple proposition, and I think it is a noble one. It is one that has not yet been accomplished in this country, and, as far as we can see, it is not yet on the eve of accomplishment. If we can accomplish this by this Bill, it appears to me we can afford to disregard a great deal of those minor topics upon which so much difference of opinion exists. We shall have done a great work, and we may trust to other Sessions and other men to carry on the work. In the means by which this object is to be accomplished we do not aim at any theoretical symmetry; we wish to produce a measure such as can be passed into law; and we take it that the Bill I now hold in my hand is the best evidence that it is one thing to start with theoretical views of education, and another thing to pass through both Houses of Parliament a measure which shall accomplish it. I have every reason to say this, for it is now nearly sixteen years since I first had the honour to endeavour to promote education in Scotland. It was not for want of support from the people that we failed, but because we differed upon details of measures of this kind; and if we are now to succeed it will not be by standing stiff upon what we are pleased to call general principles, but by endeavouring to find out the best means we can for overcoming these difficulties. In the earliest Scotch Education Bills we were looked upon as political capitalists, and the Bills did not pass; but alas, Sir, while our Bills are brought in and lost, education stands still, but crime, intemperance, and poverty make rapid strides. I do not suppose there is a Gentleman here who does not know how great is the necessity of something to be done. The Report of the Royal Commission estimates that 90,000 children in Scotland are now destitute of education, and therefore I entreat hon. Members to take this subject in hand, and in no party spirit endeavour to make the best of it. I hope this subject will be approached purely on its own merits apart from all extraneous considerations; that it will be approached simply with a view to do what is best for the educational interests of the country. With that view, the original proposal of Her Majesty's Government was not to introduce any absolutely new system, but rather to adopt and adapt what we have. We found the venerable old system of the parochial schools, and side by side with these — and grown up from the parochial system more or less—a large number of other schools, all doing a great work in the country; and what we proposed to do was, out of the materials which we have, to construct a national system of schools, trusting to time and the operation of of the Bill for its gradual development into a symmetrical and harmonious whole. The means we took to effect this object were simple. We proposed to leave these schools exactly as they were excepting to provide for their inspection. It was proposed to throw the schools on the rates, and we afforded facilities for that being done. It was thought advisable, with the view of making the system general and equal in its operation, that there should be some central authority, and we provided that in the shape of the Board suggested by the Royal Commission. The duties of that Board were to superintend the schools generally, to ascertain what schools were required in order to supply the wants of the country; and, when it was ascertained that these schools were required, there were provisions under which they should be established in harmony with the general system. The Bill was not framed upon any theory of one party or another, but was the offspring of a Royal Commission, composed of all parties, including the Gentleman who held the Office I now have the honour to hold in the Government, and Sir James Fergusson, Under Secretary to the Home Department, and other persons strongly imbued with Conservative as well as Liberal prepossessions; and they all came to be of one mind upon the subject. They were unanimous in regard to most of the provisions of the measure, and there were only three dissentients in respect of its details. The Bill has come down from "another place" altered no doubt in many material points, but still in such a form as to be capable of being made a good working measure. The alterations that have been made relate mainly to the rural schools; the arrangement with respect to the burgh schools is left exactly as it was, in the hands of the Town Council. The result is, that we find for the first time in my experience in this House a concurrence on the part of the other House in a measure—at all events as regards education in the burghs—which would be a most material boon to the country. The question now is whether the alterations with respect to the rural districts are of such a nature that we ought on that account to give up the whole Bill. I do not think they are. I was surprised in looking over the Amendments on the Bill to see how few of these involved points of material difference. But I am not going to enter generally into the provisions of the Bill. I promised to explain the alterations which we think necessary on those Amendments. In doing so I shall speak, first, of the central authority; secondly, of the local authority; thirdly, of the question of denominational grants; and lastly, I shall make a few observations with respect to the schoolmasters, and the share of the Privy Council in this process. The central authority, as originally proposed by the Government, was an elective representative body, to which it was proposed to delegate the supervision of the system, but not the command of the funds. The funds to be provided by the Privy Council were left to be managed by the Privy Council, and over these the central authority were to have no power. The central authority was to consist of representatives from the counties, the burghs, the Universities, the schoolmasters, and bodies of that kind. In the House of Lords that has been altered, and it is proposed, as the Bill now stands, that the central authority should be a paid Board, nominated by the Crown. I most carefully considered—and I considered it with a sincere desire to arrive at the conclusion—whether it might not be possible to manage the affairs of education in Scotland by the Privy Council without the intervention of any separate Scottish management, and I came very clearly to the conclusion that that was impossible. The duties which are to be devolved on this Board are duties that must be administered in Scotland. In the first place, it has to be administered geographically and locally, and from local information as to where new schools are required. In the second place, it is under the condition of the Bill a very important judicial tribunal for the trial and suspension and deprivation of schoolmasters for a number of offences. Then the whole system of education in Scotland is so peculiar that no proposition of that kind would be satisfactory or acceptable to the people of Scotland. Accordingly in all the discussions on the subject—in the evidence before the Commission, in the public meetings which have been held, in the debates in "another place," among the deputations that have come to London since the Bill was passed in the other House—there has never been any doubt or hesitation expressed upon the subject that Scotch management was essential to make the Bill effectual. Sir, I know that there are differences of opinion upon this subject. I believe that Boards, as they are called, are unpopular among a certain section of my fellow Members. Whether that view be altogether founded on fact is a question into which it is unnecessary to go; but it is at least certain that the amounts spent by the departments managed by Boards in Scotland are much less compared with the expenditure of similar departments in England and Ireland. But I will not raise any discussion on the subject. Have we not enough of difficulties to contend with on the subject of education? No Education Bill has yet been substantively brought forward for any part of the Kingdom. We have now a chance in Scotland. We have the best chance we have had for the last twenty years. Our difficulties are vanishing away, and even from "another place," where the views entertained on this question are materially different from that which prevail here, we have this year sent down a Bill in a shape in which at least it may be made useful and manageable. We ought, then, not to throw this advantage aside and enter into the discussion of controverted questions and collateral issues not necessary to the adjustment of this matter, however important in themselves. I do not want to anticipate discussion on this matter, but it involves important topics for discussion and inquiry; but surely the consideration of that matter ought not to be thrown across the question of education. I trust, in considering this proposal that I am now about to make, it will be considered entirely apart from these controverted topics and dealt with on its own merits, with this single object in view, and with our eye directed to this one end—how shall we best educate the people of Scotland. What I purpose is this—We feel that a permanent Board nominated by the Government will not be satisfactory. We do not think that the system of election and representation of the present constituencies can be very easily adapted to the purpose, and we propose a temporary Council for three years, with power to the Queen in Council to extend its existence for a longer period. We propose that the Board shall consist of the Law Officers of the Crown for Scotland, for the purpose of advising them on legal questions, of which there may be a good many at starting. We propose that there shall be other five members, who shall be paid in this way—The Chairman shall be paid £500 a year, and the other four members shall be paid three guineas for each attendance up to fifty attendances. Thus, none of these gentlemen will be in a position to make a livelihood out of their position as Commissioners or Members of the Board, and at the same time there will be an inducement to regular attendance which will not reach a very extravagant amount. The expense of such an establishment will certainly be far short of that which many such establishments cost. On the other hand, I believe it will result in a considerable degree of efficiency. I may state that in a matter of such importance, when such extensive powers and authorities are to be given to the Board, it is only right that the House should know, before ultimately deciding on the measure, whom we propose to appoint Commissioners under the Bill; and in that way the public will gain additional confidence if the names of the Commissioners are communicated. That is the proposal which we make with regard to management. There is no doubt that in three years this educational machine will be fairly started, and though some hon. Members may favour a more ideal system of management, I do not think it will be necessary to give up that machine. That, however, is a question which it will be for the country to consider at the time.

I now come to the question of the local authority, which has been very strangely dealt with in "another place." I confess I cannot altogether understand the views upon which the alterations have been made. The Commissioners came to the conclusion that the parochial schools should remain managed as they are at present, with a power to the heritors to throw them upon the rates if they thought fit. The management of the parochial schools has everything against it but one thing. It is a management which it is impossible to defend, because the management of the school is the heritors who pay £100 rent on the old valuation roll. One would suppose that they were the only heritors who paid for the school, but that is not the case. All the heritors pay, but only those who have £100 a year manage it. That is not the old law of Scotland. It was introduced in 1803. The old law of Scotland gave the voice to every heritor, and it was later on, as I have stated, that the restriction which remains to this day was placed upon it. The old valued rent is not the present valuation roll, and nothing remains of it but one or two of these ancient privileges or restrictions such as the present management of the parochial schools. The minister has also a seat upon the Board. I said that there was only one thing in favour of this system. It is only right to say that that one thing is a very important one. It is that these schools have been exceedingly well managed. The sub-Commissioners who were employed by the Commission to report upon them came to that conclusion, and I have no doubt that the conclusion is a sound one. They found a great deal of efficiency in the Free Church and other schools; but, on the whole, the parochial schools were the best. That, no doubt, arises from the fact that the schools are endowed ; but it is only fair to say that these schools are very well managed. The proposition which the Government made was that the transition of the parochial schools should not be compulsory, but that it should be left to the heritors to throw them upon the rates and bring them under more liberal management. In regard to the national schools—the schools that are to be set up by the Board, or to be made over by the heritors or the managers of the denominational schools—we proposed under the Bill to place their whole management in the hands of the rate-payers—that is, in the hands of persons elected by the rate-payers. Now, the action which has been taken upon this proposal in "another place" is very remarkable. The first part of the compromise has been accepted. The old heritors are left in the management of the parochial schools. But the second part of the compromise has been rejected, and the management of the new schools — liberally constituted, as we thought—has been put under a committee, one-half to be elected by the old heritors, and half by the rate-payers. I venture to say that that is a suggestion which it is utterly impossible to adopt. The proposal is still more preposterous when we consider the way in which the incidence of the taxation of the old parochial schools has been altered. The taxation has been placed upon the new valuation roll, and every proprietor there is to be compelled to pay up his share, and at the same time is to be deprived of a voice in the school for which he is to pay. Now, it became a question what was to be done in regard to that. I do not say that the clause I am going to suggest is one altogether satisfactory to my mind, but you have a choice of difficulties in the matter. The suggestion which I have now to make is, to read the Bill as it originally stood. It was our original proposition, and therefore it is consistent on our part to make it again ; and it is consistent, moreover, with the principle of the Bill throughout, which is to leave the schools as we find them until they are thrown for support upon the rates. I am quite aware that there is a considerable feeling in favour of that course, and that there is nothing to be said in favour of the system of management which now exists. In regard to the local committees, what I propose is that two-thirds shall be elected by the rate-payers and one-third by the heritors. I think that will be a fair division, and while it will secure a reasonable amount of the popular element will not exclude the more important heritors from a share in the management of the schools. The third topic is a very important one. I am not going now to dwell upon it; I shall simply state it. The Bill, as it originally stood, provided, on the one hand, for a system of national schools, and dealt, on the other hand, with denominational grants, and prohibited competing schools, aided by the State, from being set up against those to be affected by this Bill. That provision has been altered in the strangest way imaginable, and complete license has been given by the clause as it now stands in the Bill to set up denominational schools in all parts of the country in rivalry to the national system. I think that is a very inconsiderate provision, and it is impossible for us to agree to it. But while it is impossible to allow denominational schools to be set up in rivalry to the national schools, it is another question whether we shall shut the door altogether to denominational grants to denominational schools. I do not in the least evade the question that stares us in the face. There is a very large Catholic population in many parts of Scotland. I myself should like to see Catholic and Protestant sitting upon the same bench. I am very glad to say it is a sight not strange in Scotland; but, at the same time, I am not sanguine enough to expect to see it, or at any rate to see it all at once. Neither can I, in regard to this measure, which I believe to be a great measure intended to embrace the whole population, reconcile it to myself altogether to exclude the possibility of denominational grants, were it only in regard to those of the Catholic religion. But we need not make a special exception, and what I propose to do is this—to restore the Bill to the footing on which it stood before, and leave it open to the

Board, having regard to the nature of the population and the suitability of the school to its peculiar wants, to certify to the Privy Council any special school for a special grant—I do not say a denominational grant—but to leave to the Board a discretionary power to certify any particular school as requiring, or being deserving of a grant, because of the existing means of education for the population not being sufficiently available. That will not be limited to the case of Roman Catholics. It will extend to the poorer parishes throughout the whole country. I do not expect it will be largely taken advantage of, but I think it is necessary, in order to make our provision complete; and I should hope, through its operation and the operation of the remaining provisions, we shall be able to reach the very lowest class of society. I should like to go further, and to have a compulsory clause compelling education, but I consider that one thing at a time is enough. It is of no use to compel children to go to school, unless they have a school to go to. It is of no use to deal with the compulsory question until the framework of your schools is complete; but, unquestionably, if the framework of the schools were complete, I should be of opinion, for one, that the time had come when a measure, and a pretty strong measure, of compulsory education would be of the highest benefit to the people of Scotland. I think these are all the topics to which I said I would refer. With reference to the matters relating to the schoolmasters, I do not think they have any reason to complain of the shape which will be given to the Bill by the Amendments I have presented to the House. I think that at this late hour we had better defer any observations on that matter until the Amendments are on the Paper. There will be a good deal more to explain in regard to the finance of the measure—as to which there has been a good deal of misapprehension—which, I think, I can undertake to make perfectly satisfactory, so far as the means of accomplishing the end we propose to ourselves is concerned. I thank the House for the patient attention with which it has listened to my statement.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

SIR ROBERT ANSTRUTHER said, he thanked his right hon. Friend very heartily for the statement he had just made. It had given great satisfaction to the Scotch Members and to the House, and it would afford particular satisfaction to Scotland generally, for it was a matter of some anxiety to them to know how the Amendments made in the Bill by the House of Lords would be received by the Government in this House. Many of the Amendments proposed by his right hon. Friend on the part of the Government would be found satisfactory. There was, however, one point in the speech of his right hon. Friend, to which he must refer. He spoke of certain ideal notions entertained by hon. Gentlemen on this side of the House, and of the undesirability of getting up a discussion on the central authority on the second reading of the Bill. Though he had been at all times willing to accept advice from his right hon. Friend, he must decline to do so on the present occasion. The central authority was the cardinal feature of this measure; and he did not see how it was possible to take any discussion, however slight, upon the second reading, without touching upon the question of the central authority. The powers to be committed to this central authority were very great; and the interests with which that authority would have to deal, were very considerable; and it therefore behoved Scotch Members especially to see that the central authority was one in which the people of Scotland could justly place confidence. With regard to the Scotch Boards, they were, no doubt, cheap—but there were many things that were cheap, were not good. There was a general feeling of dissatisfaction in Scotland, with regard to these Boards—the public knew nothing about their transactions—they sat with closed doors; and it was felt that they were not operated upon by the public opinion of the day. The Government now proposed a new and most important Board; but on this Board there would be no person directly responsible to this House; and he respectfully submitted for the consideration of the Government that, upon a question of such importance as the education of the people of Scotland, it was desirable that, if not the Chairman, at least some member of that Board should have a seat in this House, and be directly responsible for the management of the Board, and to whom any Member of the House might directly appeal for information on matters connected with its business. With regard, however, to many of the other Amendments which his right hon. Friend proposed to make in this Bill, he would give him his cordial support. With regard to the relief proposed to be given to the heritors, he would remind the House that the assessment was one which, for hundreds of years, had been levied on the heritors, and it was too much to expect that their pockets were to be relieved, and that the burden should be thrown upon the nation at large.

Mr. M'LAREN said, that he most heartily concurred in nearly every word that had fallen from the hon. Baronet the Member for Fifeshire. He did not believe that this Board would give satisfaction to the people of Scotland—he did not believe it was possible for it to work out the objects for which it was to be appointed; and all previous experience had shown that these Boards, unamenable to public opinion, and, as it were working in the dark, were out of date; to use an expression which was not too strong, the people of Scotland were disgusted with the operation of local secret Boards. It would be most absurd, he thought, to appoint another. As to its being only temporary that was the old story. Every Board was at first appointed on that pretext. The Board of Supervision for the Poor was to be temporary; but it had existed for more than twenty years. The same story held good of the Lunacy Board. Assistant Commissioners were appointed for three years, and then an Act was passed making their office perpetual. Then there was the Board of Fisheries, of the proceedings of which the public knew nothing at all. The members of that Board were most distinguished persons; they were fitted for anything and everything except conducting fisheries. With regard to the proposed local Board, as originally formed, it was not so good as it ought to be, but still it was better than that which was proposed in the Bill as amended in the other House. In reference to the point referred to by the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther), who objected to the sum which the heritors had heretofore paid for the schools being put into their pockets by being taken from educational purposes, he heartily concurred in what he had said. There never was a more unjust proposal made to this House than that of relieving the heritors from the payment of £48,000 a year and putting it into their pockets. Why, the old Act of 1696 enacted that in every parish in Scotland there should be a sufficient school provided by them for educating the children of the parish, and it required the heritors to raise a sufficient sum of money annually, in all time coming, to accomplish that purpose. From that time down to the present day the schoolmaster's salary had been uniformly deducted, just as the minister's salary was, in fixing the value of the land when offered for sale, by public advertisement or otherwise. The present heritors never bought that portion of their estates from which this school-rate came; it belonged to the public; and now it was proposed to relieve the heritors from this charge and throw it on the whole body of rate-payers, including owners and occupiers, down to a rental of £4. This would be equivalent to giving these large landowners a present of £48,000 a year. He ventured to say that the only just way in which they could touch that fund would be this—to enact that the heritors should continue to pay £48,000 a year in future, and that whenever more than that sum was required it should be fairly and equally levied on all classes, including heritors, and also owners and occupiers of houses and tenements. He trusted that the House would not touch this fund; and he was certain the people of Scotland would be willing to pay as much more as may be wanted in supplementing that fund. He agreed with the learned Lord Advocate that the time must come—and he hoped it would come speedily—when a compulsory education Bill would be applied all over the Kingdom; but when that day did come, there must be either very low fees or no fees at all, in order to make the compulsion practically operative in the case of the humbler classes, as was the rule in the United States and in some other countries. He would conclude by saying that he was not satisfied with the provisions of the Bill as now proposed.

Dr. LYON PLAYFAIR: * I understand it to be the wish of the House that we should not on this occasion discuss the general principles of this Bill, but that the question should be limited to the policy or impolicy of having distinct Commissioners in Scotland to put its powers in action. In other words, is the machinery to be worked in London by a Committee of Council, or by any other organization, directly and without intervention, or are there any circumstances that demand a special body in Scotland to watch over and protect the peculiarities of its education? Now I refuse to follow my hon. Friend the Member for Fifeshire (Sir Robert Anstruther) by introducing into the discussion of this subject the possibility of there being, sooner or later, a Secretary for Scotland. That is an important question in itself, and worthy of the attention of the House. But so, surely, is the subject of education by itself and for itself. The ignorance of the people, and the vice and misery which that ignorance engenders, is a field extensive enough and sad enough for us to traverse, but very ill fitted for playing a tournament upon, by tempting a Lord Advocate to change his purpose, and have a passage at arms with the spectre of a Scotch Secretary. An Education Bill has been presented to us involving immense interests to the people, and I for one shall not divert my gaze from its main object to any subordinate subject whatever. The only issue at present is this—Can we or can we not do without an organization in Scotland—call it a Board or call it a Commission—to promote the educational interests of the people. There is a peculiarity of Scotch education which requires the special consideration and care of any executive body charged with educational administration in Scotland. It separates so completely English elementary schools from those in Scotland, that in this peculiarity rests the justification and necessity for the creation of an educational body outside the ordinary organization of the Committee of Council. It has its origin in 1560, when John Knox and his coadjutors propounded a wonderfully wise scheme of education, embracing elementary and secondary schools, and connecting them with the Universities of the country. Such a comprehensive scheme is now in actual operation, by well-organized systems, in various Continental States, but unfortunately for us, the Government of his day did not fully adopt the wise counsels of the grand old Reformer. The Scottish Privy Council, in fact, characterized the scheme as a "devout imagination." I fear our present Privy Council would do the same if we urged upon it any educational scheme so boldly, widely, and wisely conceived. The object of John Knox's scheme was to have primary schools in every parish, and secondary schools in every town, all intimately associated with the Universities, so that boys of merit might pass upwards when their talents justified the ascent. As early as 1642, we find the General Assembly of the Kirk petitioning Parliament as follows:—

> "That the Parliament would find out means how the children of poor men (being very capable of learning and of good energies) may be trained up as the exigencies and necessity of every place shall require."

But Parliament did nothing; so the Kirk enjoined on all its presbyteries the "pious work" of finding out boys of "pregnant parts." As soon as one was reported, the session held an inquisition on his mental pregnancy, and sent him, at their expense, either to a burgh school or direct to a University. By this aid, the poorest cottar's son felt, if he had ability, that the national Universities were not beyond his reach. Thus, though John Knox's scheme never became law, its spirit has animated every Scotchman for three centuries, and has led to an unformulated but practical connection between the whole system of lower and higher education. Those who want to know the secret which makes Scotchmen thrive in this country and the colonies should read the seventh chapter of the Fourth Book of Discipline. It was felt by the meanest shepherd or the poorest Highland crofter that education would enable his son to rise in the world. Sir Walter Scott alludes to this national ambition when he makes the father and mother of Dominie Sampson wish to live to see their son "wag his head in the pulpit." Amid all the changes, both social and political, which have passed over Scotland during three centuries, this intimate bond between the lower and higher education of the nation has never been loosened. It is the glory of our system that the deserving poor, if they be endowed with talents, dare to cry "Excelsior." No less than 19 per cent of the students attending the Faculties of Arts in our four Universities are the sons of labourers. They work with their hands in summer to make money for their University studies in winter. In my own limited circle I have numerous friends who have risen in this way. Let me cite two cases by way of illustration. A few weeks since it was my duty, as University Examiner, to recommend a student for the high degree of Doctor in Science. This graduate is the son of a poor Highland crofter, and when a boy went out to herd cattle during the summer from March to October. His wages for seven months were only 25*s*., but they were enough to pay his fees at the parish school during winter. It is true that the school was six miles from his father's hut, but a walk of twelve miles, to and fro over a bleak moorland, does not deter a promising Scotch boy from going to school. It did deter, however, some of the farmers' sons in his neighbourhood; so at fourteen my young friend took up a little adventure school to teach these less hardy lads, and in course of time he made enough to carry him to the burgh school at Perth, where he extended the knowledge of classics and mathematics which he had begun at the parish school. Still working, still teaching, still saving, he fought his way step by step through bursaries and scholarships won by him, till he became a certificated teacher of the first class under the Privy Council, a Master of Arts, a Bachelor of Science in the University of Edinburgh, and, as I have said, a few weeks since it was my privilege to examine him as Doctor in Science. I might quote the instance of two labourers who have lately passed through the Scottish Universities, and obtained the highest honours in the English Universities, but I shall only allude to one other instance—that of Dr. James Henderson, lately a distinguished medical missionary in China, who was footman in the country residence of the Under Secretary for India, but being born near a parish school, took advantage of it. He then went into service in Edinburgh to be near a University, and while still a footman continued his education, graduated in medicine, and then pursued his honourable career in China. Do not suppose that these are isolated cases, and that they are not true illustrations of the secondary education which may be got at our primary schools. The Church long since provided for it by enjoining the heritors to select by preference Masters of Arts as teachers of parochial schools. And the consequences are now apparent, for one-half of all the Scotch ministers pass directly from these lower schools to the Universities, and no less than 58 per cent of our Scotch physicians and surgeons spring at once from these schools to the higher platform of our Universities. If we include those who have also had the advantage of a secondary burgh school, then from 70 to 80 per cent of Scotch students at the Universities pass through the primary schools. We have nothing like this in England. Neither your professions nor your Universities are fed by the primary schools; nor would ours be if we kept them at the level of "the three R's." But our teachers have been educated at the Universities, and they rejoice to prepare their pupils for those institutions from which they received so much advantage. This introduction of a higher education into primary schools infuses a life and ambition into them which raises the whole tone of education in the country. An hon. Member on the other side of the House once said that you cannot teach pothooks and Horace in the same school. My reply is that we have the experience of three centuries to show that they can be brought together with great advantage, and that the pothooks may ultimately be used to hang up Horace, or Herodotus, or Euclid, or Molière, in the sight of all aspiring boys. The aim of our Scotch schools has always been, after giving to children "the three R's"—the spoon, the knife, and the fork of education—to give also some sound meat to which they may be applied. This Bill brings us under the Privy Council system and the Revised Code, and you need not be surprised that we are nervously anxious that our scholars should not be deprived of their meat, while the inspectors look to the polish of the implements of education. When Scotland was first examined by the Revised Code, it is true she did not come out so well as England; but this was mainly due to her not having a general system of inspection, and to the different methods of teaching, for in Scotch schools arithmetic is not begun so early as in English schools, and the children do not enter at so tender an age. But the percentage of passes is already greater in all "the three R's," showing that our educational system is adapted to the requirements of the Revised Code. There is, no doubt, a thorough dislike of the Revised Code among the teachers in Scotland, but I believe this is mainly due to the fear that it will lower and alter our whole educational system. The first rule in Schedule A, attached to this Bill, is our Parliamentary security that the Privy Council will consult the wishes of the nation on this important point. For myself, I think the payment by results, which is the foundation of the Revised Code, is right in principle, but then the results should meet the requirements of a nation — especially when they have three centuries of success as evidence in their favour. Scotland does not want a larger Parliamentary grant than she is entitled to by the number of scholars in attendance, but she desires that grant to be distributed in a way suitable to her habits. We are willing to come under any guarantee you choose that as large a percentage of our scholars shall pass "the three R's" as you find by experience can be attained in England under the limited system; but, when this result is achieved, do not cut off the higher education of our national schools. The ladder of education is a long ladder with many steps. In England, the three lowest steps have been selected as sufficient for primary schools. It may be answered that the Committee of Council, through the Department of Science and Art, aid the ascent of twenty steps more, and this is true, but with that incoherence of organization which marks our civil administration, this scheme runs side by side but never touches the other department of primary education. The restriction of education to "the three R's" in primary schools does not exist in Scotland, nor, so far as I am aware, in any other civilized country except England. France, Austria, Prussia, Belgium, and Switzerland encourage primary schools to select from six to eight higher subjects, according to the wants of the localities. So also in Scotland. After our children have learned reading, writing, and arithmetic, they are encouraged to continue at the primary schools in order to apply these elementary branches to higher information. Having taken the evidence of many masters on the subject, I believe I am not far from the mark in saying that in good schools, about one-third of the children study geography, one-fourth grammar and history, and from 5 to 10 per cent modern languages, classics, or science. Hence, only a select few take those subjects which fit them for the Universities. But this is precisely as it should be. Instead of contending for this in my own feeble language, I will quote from the writings of a philosopher whose opinions are always listened to with respect in this House. John Stuart Mill says—

> "The State owes no more than elementary education to the entire body of those who cannot pay for it. But the superior education, which it does not owe to the poorer population, it owes to the *élite* of them—to those who have earned the preference by labour, and have shown by the results that they have capacity worth securing for the higher department of intellectual work, never supplied in due proportion to the demand."

This well expresses the sentiments of our old Scotch Reformer. By his counsel the Scotch people have always aimed at a selection of their meritorious poor, and have aided their advance in life. It is this which has impressed upon the Scotch a distinctiveness of character, and which has secured for their country a large measure of prosperity. We are therefore most anxious, as this Bill brings us under the Committee of Council, that the latter should not cut away the upper steps of our educational ladder, in order to bring our Scotch system into uniformity with the English system. We do not doubt the justice of the Privy Council, but we fear the rigour of its uniformity. Hence it is that there has been a universal demand throughout Scotland for an Education Board. There have been many opinions as to what should be its constitution; but every public meeting has expressed a desire for its establishment, as a guardian of the characteristics of our primary schools. The spirit of John Knox, which still animates the Scotch people, demands that the old connection between the lower and higher education of the country should be preserved. Our Universities draw their main strength from the national schools of Scotland, and you must not cut them off from the roots. You will pardon me, as a University Member, for having dwelt so long on this subject; but the Universities of Scotland belong wholly to the people. As the giant Antæus derived his great strength by contact with the earth, so do our Universities derive their vigour from constant contact with the people. Do not let the Committee of Council, by attempting to assimilate Scotch schools to English schools, be the Hercules to lift our Universities above the heads of the people, and by severing us from the source of our strength destroy an educational system which has promoted the prosperity, peace, and tranquillity of Scotland, and of the great kingdom of which she is a part.

Mr. CRAUFURD said, that the right hon. and learned Lord Advocate having made some pointed allusions to him in reference to the Committee over which he had had the honour to preside, he could not allow his remarks to pass without some observations, so that the House might not assume that he agreed with what his right hon. Friend had said. He entirely agreed with what had fallen from the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther), and from the hon. Gentleman the Member for Edinburgh (Mr. M'Laren). He did not at all agree to the representation made by the hon. and learned Member for Edinburgh University (Dr. Playfair) of the statement made by the hon. Baronet the Member for Fifeshire. What the hon. Baronet said was—not that he did not agree to a central authority, or Board, or Commission — but that he could not agree with the central authority proposed by his right hon. and learned Friend (the Lord Advocate). They objected to the central authority proposed in the first draft of the Bill, but ten times more did they object to the proposition — the most extraordinary proposition—made that night by his right hon. Friend — the most extraordinary proposition he had ever heard for regulating education or anything else. He referred to the Board of Supervision. So far as the evidence given before his Committee went, it went in a direction directly contrary to that suggested by his right hon. Friend; nor did it seem to him that there was much difference between the constitution of that Board and the proposed new Education Board. What was proposed? There was to be a court of seven members; and who were these seven members to be? The two Law Officers of the Crown, the Lord Advocate and the Solicitor General. But the Solicitor General was a member of the Board of Supervision, and the evidence was that his hon. and learned Friend was unable to attend the meetings of the Board, and, moreover, apparently, did not consider it his duty so to do. The Lord Advocate was to be a member of the Board. Now, it was almost impossible for him to attend to all the multifarious business to which he had now to attend, and how could he be able to attend and advise the Board? There was to be a paid chairman of the Board, at £500 a year, with four other members, and these four members were to be paid three guineas an attendance up to fifty attendances. No doubt these members would attend, would get their three guineas, and would do nothing more. There were three learned sheriffs on the Board of Supervision, and they had worked uncommonly well. They were paid 150 guineas a year, for about thirty or forty attendances, to conduct all the legal work of the Board of Supervision. What was the practical result of the constitution of this Board? There was one paid chairman, three paid sheriffs, and the evidence was that nobody else attended that Board. But the sheriffs were frequently obliged to go to different parts of the country and attend to their duties, and the result was that the whole management fell into the hands of the chairman. He asked whether that would be a satisfactory system to introduce for the management of education? He objected to these Boards, because they did not sit in public — because they were not responsible —and because there was nobody in that House to answer for their conduct. It might be said that the Lord Advocate practically represented them here; but how could he undertake still further duties by having put upon him this new Board? The central authority was the most material and essential part of this Bill. They wanted a central authority —that that central authority should be a Scotch authority—that it should work in harmony, but not under the dictation, of the Privy Council — all these requirements were essential for the constitution of the Board. The Board should be represented in this House and responsible to this House. It was to be established for the management of the new system of education, and it should not be put upon the same footing as the close Boards in Edinburgh, which his right hon. Friend admitted that the people of Scotland condemn. [The Lord Advocate said he made no such admission.] He entirely agreed with the proposal that there should be a central authority, but it was essential that it should be a central authority that should enjoy the confidence and respect of the country over whose education it was to preside.

MR. M'LAGAN said, he thought the remarks of the hon. and learned Member for Ayr (Mr. Craufurd) were, at least, premature—so far as the evidence had gone it certainly did not go the length of condemning the Board of Supervision. The hon. Baronet the Member for Fifeshire (Sir Robert Anstruther) had stated that no Board appointed to superintend education in Scotland could be satisfactory to the people of Scotland.

SIR ROBERT ANSTRUTHER: What he had said was that no Board would be satisfactory to the people of Scotland if it had not direct representation in this House to answer for its conduct.

MR. M'LAGAN: The proposed Board would have representatives in this House—the Lord Advocate and the Solicitor General would be members of the Board. He would not go further into the question of the constitution of this Board than to say that he was certain the people of Scotland would not submit to have the management of Scotch education under the dictation of a Secretary or Board in London. The Board should be a central Board and a Scotch Board, and what was still better, it should be a Board not sitting in London, but a Board representative of education in Scotland. He agreed with the hon. Member for the University of Edinburgh that it would be impossible for us to control and direct education in Scotland by anyone sitting in London, on account of the great difference between education in England and Scotland. At present they had a system of which they might well be proud. It combined elementary with middle-class education. In England the Privy Council took charge only of the elementary branches of education, but he should not like to see the Scotch parochial schools placed under the same control. If they were, the result would be that they would have in Scotland what they had in England — a mere mechanical routine in the schools, instead of that intellectual training which was now given in the Scotch schools. He was in favour of a Secretary of State for Scotland; but if the choice was whether they should have the education of Scotland managed by a local Board in Scotland, or by a Secretary of State in London, he had no hesitation in saying—"Sink the Secretary of State, and let us have our education managed in Scotland by Scotchmen."

MR. KINNAIRD said, the hon. Members below the Gangway had spoken as if all the Scotch Members agreed with them; but that was not the case. For his part he very much agreed with the hon. Member for the University of Edinburgh (Dr. Playfair), whose speech was the most practical that they had heard that night. He regretted that the hon. Member (Mr. M'Lagan) should have introduced this subject of a Scotch Secretary of State. It was a point on which the Scotch Members were anything but unanimous. He thought they would do wisely to confine themselves to the most important point, the education of the people, and not mix it up with other questions, which would only hinder its success.

MR. DALGLISH said, he was not at all sure, notwithstanding the assurance of the Lord Advocate as to the importance of this Bill, that the people of Scotland would be inclined to regard it as a great measure of national education. He could only say that he had long held the opinion that if they were to have a national system it must be a secular system—that the clergy should have as little as possible to do with it; that they should be restrained, and not allowed to interfere with education until the children were able to understand what religion means. He held, also, that if they were to have a system of education which was to reach the 90,000 children in Scotland the Lord Advocate had told us exist there without education, they must have a compulsory system—and he trusted that if this Bill passed through Committee—which he very much doubted—the Lord Advocate would be prepared to bring in a measure in which the education of the people shall be made compulsory.

MR. CARNEGIE said, the question of education was of far greater importance than the constitution of the Board, and he would rather have twenty Boards than have this Bill thrown out on the point. However bad the Board might be, they could get rid of it; but if they lost this Bill, it might be a difficult thing to get such another chance of dealing with this question.

The SOLICITOR GENERAL for SCOTLAND (Mr. Young) said, he had listened with some surprise to the speech of his hon. Friend the Member for Fifeshire, and with still more surprise to the speech of the hon. Member for the Ayr Burghs. The question was that this Bill be now read a second time? Both of these speeches, and especially the latter, were upon an altogether different question — namely, whether certain Boards entrusted with a great variety of business now existing in Edinburgh were satisfactorily discharging their duies. The hon. Baronet the Member for Fifeshire was perhaps hardly in a position to pronounce an opinion upon the question whether they satisfactorily discharged their duties or not, because he said that their distinguishing feature was that the people of Scotland knew nothing about them. The hon. Member was at least entitled to speak for himself, and if he knew nothing about them he was not in a position to say anything against them. The hon. and learned gentleman the Member for Ayr devoted his speech almost exclusively to a condemnation of the Board of Supervision. He spoke as if there were a general concurrence of opinion adverse to the Board upon all the evidence taken before the Committee appointed by this House to inquire into its operation. He (the Solicitor General) would take leave to say that such was not only not the unanimous opinion, but that it was not the opinion of the majority of the members of that Committee. The hon. Member for the Ayr Burghs admitted the necessity for a central authority in the Education scheme: but it had not been suggested that the central authority should be in any other form than that of a Board; and if the constitution of the Board proposed in the Bill were unsatisfactory, the proper course was to amend it in Committee. The main criticism, so far as he understood it, of the hon. and learned Member for the Ayr Burghs was that there was no provision made for the Board being directly represented in this House. But one of the proposals of his right hon. Friend (the Lord Advocate) was that the two Law Officers of the Crown, both of whom were in this House, should be members of the Board. He (the Solicitor General) presumed the purpose of having a representative of any Board in this House was that he might be able to answer any inquiry and give explanations with reference to any complaint which might be made in this House relating to the conduct of the Board. Now this Board, if it should be constituted in the manner proposed, would have two members sitting in the House, who, after due inquiries, would be in a position to give satisfactory answers to any such questions as might be put. But all this was matter of detail to be considered in Committee.

Mr. DALRYMPLE said, he did not intend to offer any opposition to the second reading, but at the same time he must complain of the way in which it had been introduced, and the consequent difficulty under which Members found themselves in addressing the House. The right hon. Gentleman (the Lord Advocate) had met with compliments, and even with expressions of affection, from below the Gangway, such as, if he (Mr. Dalrymple) were in his position, he should not be at all grateful for, especially as they had been accompanied by expressions of hostility towards some of the Amendments which he proposed to introduce. No one on his own side the House had spoken against the measure—and for himself he (Mr. Dalrymple) desired to give the right hon. Gentleman all the assistance in his power towards passing the measure.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

### NITRO GLYCERINE BILL.

*Considered* in Committee.

(In the Committee.)

*Resolved*, That the Chairman be directed to move the House, that leave be given to bring in a Bill to prohibit for a limited period the importation and to restrict and regulate the carriage of Nitro Glycerine.

Resolution *reported :* — Bill *ordered* to be brought in by Sir John Hay, Mr. Alderman Lawrence, and Mr. Graves.

Bill *presented*, and read the first time. [Bill 211.]

House adjourned at a quarter after Two o'clock.

# HOUSE OF LORDS,

*Tuesday, 13th July,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Queen Anne's Bounty* (185); Sunday and Ragged Schools* (188).

*Second Reading*—Education of Children [88], *negatived;* Bishops Resignation (171); Charity Commissioners (170); Special Bails (166); Assessed Rates (174); Poor Law Board Provisional Orders Confirmation* (142).

*Committee*—Court of Common Pleas (County Palatine of Lancaster)* (79-186); Municipal Franchise* (125-187); Diplomatic Salaries, &c.* (128).

*Report*—New Parishes and Church Building Acts Amendment* (184).

*Withdrawn*—Infant Life Preservation (89).

## PORTADOWN INQUEST.

### OBSERVATIONS.

THE DUKE OF **MANCHESTER** said, he begged to call the attention of the noble Lord opposite (Lord Dufferin) to the adjournment by the coroner of this inquiry for three or four weeks—namely, till the 3rd of August. The inquest was on the body of a man who was shot down by the police, they having fired, as he understood, by the order of the sub-inspector of the district. It was most important that the inquiry should be a continuous one, and should be brought to a close as soon as possible; for in the meantime the influence and authority of the sub-inspector would be very much weakened. He would suggest his temporary transfer to a post of equal rank in another part of the country in the event of the Government being unable to direct the speedy resumption of the inquiry. The coroner's reason for the adjournment was his having to attend Assizes in another district, but three or four days would surely have been sufficient for this purpose.

LORD **DUFFERIN** said, the Government had been informed of the adjournment with great surprise and regret; but it was entirely within the discretion of the coroner to adjourn for any period he might think proper, and they had no power to interfere. The noble Duke's suggestion as to the temporary removal of the officer was open to the obvious objection that it would naturally be regarded both by him and by the public as somewhat prejudging the case.

## EDUCATION OF CHILDREN BILL.

(*The Marquess Townshend.*)

### (NO. 88.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS **TOWNSHEND**, in rising to move that the Bill be now read a second time, said, that its principle was that of compulsory education, which he was persuaded was essential to any efficient measure on this subject. As to the religious difficulty, it would be best met by giving secular instruction in day schools, leaving it to the ministers of all denominations to provide by Sunday Schools or otherwise for that religious teaching which should form an important part of education. His proposal was that wherever free schools existed within reach of the parents they should be required to send their children for at least twelve hours' teaching a week. This would not interfere with the employment of children of ten or twelve years of age, whose earnings might be important to their parents, while it would in most cases lead to children being allowed to remain at school the greater part of the day. Compulsory education was already the law of the land with reference to children employed in factories and workshops, and there could be no objection to extending the principle to those who were in a more disadvantageous position. Parents were bound to provide proper food and clothing for their children's bodies; surely, therefore, the law ought to require them to provide for their minds.

*Moved,* "That the Bill be now read 2ª."—(*The Marquess Townshend.*)

EARL **DE GREY** AND **RIPON** said, he thought no one could doubt the excellence of his noble Friend's object, but it was doubtful whether this Bill would further it. The Government had promised their serious attention to the whole question of public education, and he appealed to his noble Friend and to all desiring the spread of education whether it was well to deal with the question piecemeal, especially with that most difficult part of it, the mode of securing the attendance of children at school. It would be improper for him now to state the opinion of the Government on the question of popular education, and as at this period of the Session no practical result could be expected, he trusted that his noble Friend would not press the measure.

Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(*The Lord President.*)

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative;* and Bill to be read 2ª on *this day three months.*

## INFANT LIFE PRESERVATION BILL.

(*The Marquess Townshend.*)

(NO. 89.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS TOWNSHEND explained that the Bill was directed against "baby farming." It was notorious that in many cases infants were intrusted to persons whose wish was that the children's lives might come to a speedy end, and whose character was such that, but for the lowness of their terms, they would not be vested with so important a trust. Instances were but too common in which infants thus perished from neglect or ill-treatment, and his proposal, therefore, was that every person taking charge of them should be licensed by a magistrate, and should be required to give security for the proper discharge of her duties.

THE MARQUESS OF SALISBURY said, he regarded the Bill as a most extraordinary one, since it would make it unlawful for any person, including, therefore, the mother, to take charge of any child under five years of age for the purpose of nursing without having previously obtained the authorization of a justice of the peace. He would advise the noble Marquess to subject these very numerous Bills to some more careful scrutiny before he submitted them to the consideration of the House.

THE EARL OF MORLEY said, that the Bill was calculated to defeat the object of the noble Marquess, for, if carried into effect, there would soon, probably, be no infant life to preserve. It would moreover, require all nurses in hospitals and workhouses to be licensed. He hoped the noble Marquess would remodel the Bill before he again brought it forward.

EARL STANHOPE: Perhaps the noble Marquess would not object to this Amendment of his Bill — "That no woman shall nurse a child without the authority of her husband or the license of a magistrate." That would simplify matters very much; the husband's authority could be obtained without trouble.

THE MARQUESS TOWNSHEND said, that the Bill would only apply to children placed out to nurse. After the way in which the Bill had been received it would be useless for him to press it.

Order for Second Reading *discharged;* and Bill (by leave of the House) *withdrawn.*

## BISHOPS RESIGNATION BILL—(No. 171.)

(*The Archbishop of Canterbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE ARCHBISHOP OF CANTERBURY said, this Bill consisted of two parts. One part had reference to the resignation of Bishops, and the other was to amend the 6 & 7 *Vict.* c. 62, which provided that in the case of the mental incapacity of a Bishop a Commission should issue in order to supply proper superintendence of the diocese. The first part of the Bill met the difficulty which had been experienced in former attempts in the same direction, by providing that in case of the resignation of a Bishop the revenues of the see should be applied for the benefit at once of the retiring Bishop and of his coadjutor. It had been found impossible to provide any income for a retiring Bishop from any other source, and although inconvenience might arise from dividing the revenues of the see during the time when there was both a retired Bishop and a Bishop exercising jurisdiction, yet that inconvenience was not so great as that arising from the present state of things, there being at present no provision for the resignation of a Bishop. With regard to the second part of the Bill, he had followed as nearly as possible the precedent of the 6 & 7 *Vict.*, which gave compulsory powers in cases of mental incapacity. Their Lordships were aware that under that Act a Commission might be issued in the case of a Bishop who was mentally incapacitated from discharging his duties, and that on the Report of that Commission another Bishop holding a see in England or Wales was appointed to administer the diocese. Provision was made in that Act that one-fifth part of the revenue should be paid to the assisting Bishop with which to meet his additional expenses; but the difficulty still remained of laying on one who had already enough to do in his own diocese, additional duties in the entire charge of another diocese. In this Bill it was proposed to meet that difficulty by providing that, instead of a Bishop already charged with a see in England or Wales, a Bishop-coadjutor, with right of succession, should be appointed. Provision was made to secure his payment and his right of succession to the see when it became vacant in various clauses, which, no doubt, their Lordships would carefully consider in Committee. The evil which the Bill was intended to remedy was one that had often been complained of, and the inconvenience arising from which had been felt by none more than by those who were charged with the administration of the several dioceses.

*Moved*, "That the Bill be now read 2ª."—(*The Archbishop of Canterbury.*)

EARL NELSON said, he regretted the necessity, for such he feared it was, of limiting the income of a Bishop who would have to perform the entire duties of a diocese. In dioceses which were too large for the Bishops to visit their clergy, it was essential that they should have large incomes in order to be able to entertain their clergy, otherwise they would not see them at all; and he should have been glad if an arrangement could have been made for reviving some of the suppressed canonries, or for reserving some of the existing ones as a provision for retiring Bishops. He feared, however, that there was little chance of this being done. Residence in the cathedral city being very essential under the present management of large dioceses, he regretted that the Bill proposed to leave the episcopal residence to the retiring Bishop. This was, no doubt, designed as a kindness to him; but it was very desirable that his successor, having all the duties of the diocese, should also have the house, and he hoped this would be done, even should some larger sum be consequently allowed to the retiring Prelate. It being clear that a mentally incapacitated Bishop was less able to perform his duties than one who voluntarily resigned, he could not see why the former should have a much larger income than the latter, nor why a coadjutor Bishop, who would have exactly the same duties as the successor to a retiring Bishop, should only have two-thirds of the income. Another anomaly in the Bill was that whereas a Bishop's capacity was to be determined by three judges—the Archbishop and two of the Bishops of the province—two Bishops only were, in the case of an Archbishop, to state in writing whether they considered him incapacitated. It was proposed, too, that his coadjutor should be nominated by the Crown from among the Bishops of his province; but, as he understood the Bill, the Bishop so nominated would retain the charge of his present diocese as well as that of the archbishopric. He thought the Bill might be amended as regarded some of its details.

THE ARCHBISHOP OF YORK said, he thought the noble Earl (Earl Nelson) could not have read the Bill very closely. It was not necessary that the house should be occupied by the Bishop resigning, and this would be left to arrangement. He admitted the inconvenience which had been pointed out with regard to income; but a Bishop subjected to compulsory retirement was entitled to some consideration. If he retained the house he incurred a large expense, while, on the other hand, the coadjutor, beside the prospect of succession, would have the power of choosing a residence adapted to his means. As to Archbishops, they were rather better protected than the noble Earl supposed, for the only difference in their case was the substitution of another Bishop to take the place of the Archbishop, and constitute a court of three persons. He believed that on examination the Bill would be found the best practicable remedy for the sad condition of things which was at present unprovided for.

THE DUKE OF CLEVELAND said, he thought the Bill made very fair provision for retiring Bishops, but he doubted whether it went far enough. A provision should be made to meet the case of Bishops who, from their advanced period of life, though not mentally incapacitated, were incapable of performing their duties.

THE BISHOP OF LONDON said, he must remind the noble Duke that it would be difficult to determine the particular point at which physical infirmity would justify the enforcement of a coadjutor. In such cases a Bishop could take his choice as to retiring, whereas in cases of mental incapacity he could not decide for himself. There might, in the lapse of centuries, be an occasional case which the Bill would not meet, but on the whole he believed it would be found sufficient.

THE DUKE OF SOMERSET said, he hoped the right rev. Bench would agree on the adoption of an Amendment in the 3rd clause, which would make the same provisions apply to physical as to mental incapacity, for the public would expect that this should be secured.

THE BISHOP OF GLOUCESTER AND BRISTOL admitted that the noble Duke's (the Duke of Somerset's) suggestion was deserving of consideration. It was difficult, however, to draw a line between that degree of infirmity which caused the loss of a Bishop's services to a diocese and that in which the presiding power of the mind might remain, though accompanied by physical weakness.

THE EARL OF CARNARVON said, he was grateful to the right rev. Bench for having taken up a question of such urgency and importance, and he felt that it was a rather ungracious task to criticize the provisions of the Bill; but it was desirable before going into Committee to point out how it would strike lay Members of the House, and persons outside. The Bill proposed that a coadjutor Bishop should be appointed in certain cases, and should have an income of at least £2,000 a year from the see. Now, he would have to bear the whole burden and responsibility, and though Parliament would wish to deal tenderly with the retiring Bishop, it was not desirable that there should be so unsatisfactory a contrast between his position and that of the coadjutor as would exist under provisions of the Bill, which assigned to the retiring Bishop not less than £2,000 a year, besides all the temporalities and other emoluments, and, in certain cases, the episcopal palace. He would, moreover, have the power of initiating this state of things, for unless the incapacitated Bishop desired to retire, this part of the Bill could not come into force. In the case of a Bishop not taking the initiative the Bill shadowed out rather than detailed the course which was to be adopted, and pointed to the establishment of some tribunal the constitution and functions of which were not explained. Such a court would hardly be a satisfactory one, unless it contained a lay and legal element, competent to determine with precision the difficult question of mental capacity. One of the anomalies of the Bill was that in the case of an Archbishop the tribunal would not be the same. It might be greatly to the interest of the Church that an Archbishop should retire, but the Bill merely proposed the appointment of one of the Bishops of his province as coadjutor.

THE ARCHBISHOP OF CANTERBURY asked the noble Earl to refer to clause 11.

THE EARL OF CARNARVON said, he understood that clause to provide that a Bishop-coadjutor might be appointed in the case of an Archbishop being incapacitated, and that where an Archbishop's capacity was in question there should be substituted for him such Bishop of his province as Her Majesty might appoint. This seemed to him consistent with his statement that a Bishop of the province might be appointed the Archbishop's coadjutor.

THE ARCHBISHOP OF CANTERBURY explained that the substitution of a Bishop of the province for the Archbishop was not for the purpose of acting as coadjutor, but for the purpose of sitting on the Commission, it being obvious that an Archbishop could not sit on the Commission by which his own lunacy was to be tried. When the Archbishop had been ascertained to be a lunatic, another person, and not one of the Bishops of the province, would be appointed to act as his coadjutor.

THE EARL OF CARNARVON accepted this explanation as removing an objection which he was about to offer, but thought the terms of the clause were open to the construction he had put upon it. His criticisms were not conceived in a hostile spirit, but it was important, especially at this late period of the Session, that the details of the Bill should be carefully considered, and that ambiguities should be removed.

THE EARL OF LIMERICK remarked that while an incapacitated Bishop would be relieved from all his other duties, the Bill would continue to him the privilege of sitting in this House. The explanation given by the most rev. Prelate of the 11th clause raised some other objections to that clause, because from that explanation it would follow that the person to be appointed to assist the Archbishop need not necessarily be a Bishop at all.

THE EARL OF POWIS said, he thought it was undesirable that the burden of the retiring allowance of a Bishop who was incapacitated should be thrown upon his successor. There was no doubt that, if not at the present moment, at least eventually, the episcopal property in the hands of the Ecclesiastical Commissioners would be much more than sufficient to provide all the regular episcopal incomes, and, therefore, he thought such retiring allowances would form a legitimate charge, to be placed either wholly or in part upon those surplus funds. With regard to Bishops retiring on account of age, as in the case of the Civil Service, he thought there ought to be some limit as to the age at which applications to retire should be entertained—say, only from sixty-five or seventy years. With respect to the provision for investigating cases of alleged lunacy against a Bishop, it would, in his opinion, be much better that, as a Bishop was a public officer, on a representation being made to Her Majesty, Her Majesty should direct the Lunacy Commissioners, who were men of legal and medical experience, to conduct a formal inquiry and ascertain whether the alleged infirmity really existed. The part of Clause 11 which related to Archbishops and their coadjutors required some consideration. The coadjutor who was to be appointed was not only to discharge the ordinary duties of the Archbishop — that was to say, to carry on the discipline of the archdiocese of Canterbury or York; but, although a new man and just appointed, and being incapacitated from sitting in Parliament, he was to have power to institute legal inquiries, not only against priests, but against other Bishops of the province; for example, he might be allowed to prosecute the Bishops of London, Durham, or Winchester, who might have occupied their sees for ten or twenty years. It was difficult to say, in the case of the incapacity of the Archbishop, how his metropolitical functions were to be discharged; but it would not be proper to place those metropolitical functions in the hands of his junior and temporary successor.

LORD CAIRNS said, he wished to make a suggestion in regard to the amendment of the Bill. The 3rd clause pointed out the steps by which a coadjutor Bishop was to be appointed. Their Lordships' attention had been already called to the fact that it applied merely to the case of mental incapacity; and it was obvious that if the Bill became law in its present form it would be entirely inoperative to reach some of the cases which had occurred under their own observation, as to which certainly a strong public feeling had been expressed that there ought to be some legislation. There was another objection to the clause as it now stood. It contemplated proceedings of a somewhat judicial character; and there was this great anomaly, that the Archbishop, who was to be the principal Judge, was also the person who put the whole judicial proceeding in motion. The Archbishop was to be, he would not say the prosecutor, but the mover in setting the inquiry on foot. That was open to grave objection, and what he would suggest was that a great improvement of the Bill might be effected by providing that upon a representation being made to the Archbishop, emanating from the Dean and Chapter, who were the guardians of the spiritualities, the Archbishop should then call to his aid the two Bishops, as the clause provided, and should hold an inquiry. He would suggest that the clause should go further, and enact that upon the Dean and Chapter undertaking to prove a degree of physical infirmity sufficient permanently to incapacitate the Bishop from the discharge of his duties an inquiry should take place, and in the event of the Archbishop being satisfied of the truth of the representation he should have power to appoint a coadjutor. The case of infirmity of an Archbishop was a matter of great difficulty, and great caution ought to be exercised in providing for the discharge of the duties of the office. It would, in his opinion, be very objectionable to devolve the performance of the functions of an incapacitated Archbishop upon a coadjutor, who from the necessity of the case was not likely to have the experience that was required in a person appointed to such an office. It would be far better to provide for the actual resignation of the most reverend Prelate, the revenues of the sees being large enough to provide a retiring pension for the Archbishop, and a sufficient income for his successor.

Lord REDESDALE said, he wished to call attention to one or two points which appeared to have been overlooked. Sometimes a man might for two or three years be subject to a slight infirmity, and a report might be made upon him according to the Bill; but when he recovered, what was to be his position, and what was to be the position of the see with two Bishops? Again, if some infirmity should happen to the coadjutor, what was to be done?

The LORD CHANCELLOR said, that several of the difficulties which had been suggested were worthy of consideration, but most of them were met by the fact that this was in every respect a voluntary Bill. It was not intended to effect by any compulsory procedure whatever the resignation of any Bishop. If a man was absolutely incapable of having a will, evidence as to his supposed mental incapacity was to be submitted to one of the Secretaries of State—he supposed the Home Secretary—and then it remained for the Crown to make or not to make the appointment of a coadjutor as it should think fit. Under such circumstances there could not be any contemplation of doubtful cases, or such as involved serious difficulty in investigation. The Bill had for its object simply to provide for the discharge of necessary duties, in the one case at the desire of the Bishop, and in the other where there was a clear and undoubted case of mental incapacity. That object seemed to him very desirable, and he had no doubt that their Lordships might make this in Committee a valuable measure.

The Archbishop of CANTERBURY said, that the various suggestions which their Lordships had made should be taken into serious consideration before the Bill went into Committee. The noble and learned Lord opposite (Lord Cairns) had mentioned that the Dean and Chapter, being regarded as the guardians of the spiritualities, were the proper persons to make the representation. But the Dean and Chapter were not to be regarded as the guardians of the spiritualities except in the case of Archbishops' sees. The Archbishop was the guardian of the spiritualities in other cases, and therefore this Bill, as regarded incapacity, followed the precedent of chap. 62 of the 6th and 7th of the Queen. He himself thought there was an incongruity in a Bishop appointed coadjutor exercising metropolitical jurisdiction, and a provision to remedy that would be introduced in Committee. He trusted that it was only the first part of the Bill that would really have to be put into operation, and he would take that opportunity of saying that he could not but believe that as soon as the Houses of Parliament should have provided proper means to enable Bishops afflicted with physical infirmities to retire there would be no hesitation on the part of the persons incapacitated from availing themselves of the arrangements which should be made. From the correspondence which he had had with the right rev. Prelates who were so afflicted, he knew that their position was very painful to themselves, and he could not but believe that they would be very thankful to their Lordships and the other House of Parliament if they should put it within their reach to do what he was sure they were very anxious to do—namely, to commit their sees to more vigorous hands.

Motion *agreed to;* Bill read $2^a$ accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

## CHARITY COMMISSIONERS BILL.

(*The Lord Chancellor.*)

(No. 170.) SECOND READING.

Order of the Day for the Second Reading, read.

The LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that its object was to remove some difficulties which had occurred in the administration of charitable trusts, in consequence of certain formalities which were required to be observed, and which, while not serving any useful purpose, gave rise from time to time to serious inconvenience, the omission of them having thrown a doubt on the validity of orders which the Commissioners had made. The Bill in all the earlier parts of it dealt with the removal of difficulties of that description, and gave the Commissioners powers to discharge their own orders on the discovery of any irregularity in them. The 9th clause empowered the Commissioners to authorize those administering any charity to employ competent persons to frame a scheme or make inquiries under the Charitable Trusts Act, 1853 to 1869, and to pay those so employed. The 10th clause provided that a petition to the Court of Chancery under the 8th section of the Charitable Trusts Act—1860—must be presented in all cases by the same persons only as the existing law provided in the case of charities of which the annual income did not exceed £50—namely, the Attorney General and the trustees managing a trust. It might be a question for discussion in Committee whether a simple majority instead of two-thirds of the trustees administering a charity should be able to decide on the sale or exchange of any property held by them in trust. Other clauses facilitated the placing of charities under the Commissioners, for the jealousy with which these functionaries were originally regarded had recently disappeared, and all classes, including the representatives of Dissenting bodies, were anxious to avail themselves of the services of the Commissioners.

THE EARL OF ROMNEY was understood to recommend some slight Amendment of Clause 9.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

## SPECIAL BAILS BILL—(No. 166.)

(*The Lord Chancellor.*)

### SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, he had had considerable inquiry made into the matter, and he was satisfied that it was necessary a Bill of this kind should be passed. It had not been introduced into the other House by the Government, but the able Master of the Court of Exchequer had been requested to examine it carefully, and he reported that the grievance sought to be redressed was a real one. By an Act of Charles II., and another of William III., no person was allowed to be appointed to take special bail in the country who was an attorney or a solicitor. This might be proper at one time, but now, in consequence of changes in the law, the cases of special bail were so few that it was not worth any person's while to take the office who was not an attorney or solicitor, and no one was appointed; so that in the few cases where special bail was required persons were put to the inconvenience of coming up to London for the purpose. The Bill empowered anyone authorized to administer an oath, whether he was a solicitor or not, provided he were not interested in the matter, to take special bail.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Tuesday* next.

## ASSESSED RATES BILL—(No. 174.)

(*The Lord Privy Seal*)

### SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, it was rendered necessary by the great inconvenience which had resulted from the abolition of composition for rates by a clause in the Representation of the People Act of 1867. Some idea might be formed of the inconvenience occasioned when it was stated that in nine boroughs 87,500 summonses for non-payment of rates had been issued. Before the Act passed composition was in force in no fewer than 171 boroughs, and the operation of the Act was felt to be a great hardship by the occupiers of small tenements, who paid rent weekly, because they were called upon to pay in advance a rate which exceeded in amount the rent due, while they were liable to be turned out at a week's notice. Under this Bill an occupier would not be called upon to pay a rate exceeding in amount the rent due to the landlord, and it was provided that they might deduct the rate so paid from the rent. The main object of the Bill was to reverse what was done by the clause in the Reform Act in depriving a large number of persons of the Parliamentary franchise. The Bill repealed the Small Tenements Act, and made composition possible throughout the country upon terms which were prescribed. In one case the occupier might pay the rate and deduct it from the landlord's rent; in a second the landlord would agree with the overseers, and would pay the rates; in which case he would get an allowance of 5 per cent; and in a third, the vestry might impose upon owners the obligation of paying the rates, and allow them a deduction of 15 per cent. In short, the Bill restored the power of compounding, and enabled it to be made universal throughout the country.

*Moved,* "That the Bill be now read 2ª."—(*The Lord Privy Seal.*)

Lord DENMAN was understood to say it had been represented to him that in the north-west part of England owners of property rated for their tenants had coerced them in voting.

Earl GREY said, he did not wish to offer any opposition to the Bill, but could not allow the second reading to pass without pointing out that the necessity for introducing it afforded a striking example of the inconvenience and mischief which arose from political parties pursuing a course for a temporary object. Two years ago, when this subject occupied attention, they were told that the security for the due exercise of the franchise was to be the personal payment of rates by those to whom it was granted. It was this that was to make the new extension of the franchise perfectly safe. In the discussion of the Reform Bill it was found that difficulties arose in applying this principle, and Parliament, in order to get rid of them, proceeded at once, without discussion and without consideration, to cut the Gordian knot by simply resolving that the whole system of compounding for rates should be put an end to. The then Government proposed this, and the Opposition, not to be left behind, said—"This is all we want; we approve entirely of what you propose to do—abolish compounding." It was in vain that persons from London and various parts of the country waited upon the then Leaders of the Opposition, as they had previously waited on Ministers, and pointed out to them the ill consequences which would result from such a measure. They were told—"Perhaps inconvenience may arise, but the political object for which the change is proposed is so important that we cannot resist the abolition of the compound-householder." When the Bill came up to this House he ventured to oppose the clause for the abolition of compounding, but his Motion for omitting it was resisted both by the Government and the Opposition. The inconvenience that had resulted from this change in the law of rating, thus recklessly made for a political object, had proved as he anticipated so great that, after much inquiry and consideration, it was now found necessary to restore compounding in some form; and this Bill was brought before them for that purpose. The result will be that when it is passed the imagined security of personal rating for the due exercise of the franchise will disappear altogether, and we shall have an extended franchise without any check of the kind. The inconvenience which arose from the abolition of compounding, exactly as he expected, had proved so intolerable—so great had been the hardship inflicted upon the smaller class of occupiers—that it was quite impossible to allow matters to remain as they were. An inquiry was consequently held, and they now came by a roundabout and inconvenient method to the old system, though the mode in which it was restored had made it less convenient than it was previously. Practical experience of the personal payment of rates had shown that the whole thing was a mockery and a delusion. Both parties had advocated it; the change was made purely for party and political purposes, and those purposes having been served they were now obliged to return to the old system.

Earl GRANVILLE said, he felt really bound to condole with his noble Friend (Earl Grey) at his finding no opportunity for objecting to this Bill. He should, however, be pleased if his noble Friend would be accurate in his statement of facts, because it was well known that Mr. Gladstone, then the Leader of the Opposition, opposed, in the strongest possible manner, the clause putting an end to compounding. In that opposition he did not receive the support which he might have expected; and the inference that he (Earl Granville) drew from this was that it would be better for parties who were agreed in the main to act together than for small sections to unite with other parties in order to secure some particular object.

Earl GREY was understood to maintain the correctness of his own version.

Motion *agreed to;* Bill read 2ª accordingly and *committed* to a Committee of the Whole House on *Tuesday* next.

### SCOTCH SALMON FISHERY ACT, 1862. QUESTION.

Lord ABINGER, in asking Her Majesty's Government, Whether they intended to introduce any Bill to further amend the Scotch Salmon Fishery Act of 1862?—said that, though the clauses of that Act were good, the Act itself was inoperative, owing to the absence of proper inspection and adequate means of carrying out its provisions.

The Earl of MORLEY replied that it was the intention of Her Majesty's Government to send two inspectors into Scotland in the autumn to inquire into the subject. The inspectors would, of course, prepare a Report, and by that Report the course of Her Majesty's Government would be guided. Until that Report had been furnished it would be impossible for the Government to say whether they would introduce any legislation upon the subject; and if they did, whether it would assume the form of a comprehensive measure, embracing the whole of Scotland, or whether exceptional provisions would be introduced with regard to certain rivers.

### QUEEN ANNE'S BOUNTY BILL [H.L.]

A Bill to enable the Governors of the Bounty of Queen Anne, for the augmentation of the maintenance of the poor Clergy, to grant superannuation allowances to officers and clerks employed in their service—Was *presented* by The Lord Archbishop of Canterbury; read 1ª. (No. 185.)

House adjourned at half past Seven o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday*, 13*th July*, 1869.

MINUTES.] — Public Bills—*Ordered—First Reading* — Trades Unions (Protection of Funds)* [216].

*First Reading*—Metropolitan Building Act (1855) Amendment* [214].

*Committee—Report*—Contagious Diseases (Animals) (No. 2) (*re-comm.*) [103-212]; Valuation of Property (Metropolis) (*re-comm.*)* [100]; Parochial Schools (Scotland)* [164-215].

*Report*—Poor Law (Ireland) Amendment (No. 2)* [173-213].

*Third Reading*—Insolvent Debtors and Bankruptcy Repeal* [180], and *passed.*

The House met at Two of the clock.

### CLEARING VESSELS AT THE CUSTOM HOUSE.—QUESTION.

Mr. GRAVES said, he wished to ask the Secretary of the Treasury, If the Treasury now possesses the power to authorize the substitution of the owner or agent for the shipmaster in clearing a vessel at the Custom House; and, if not, whether it would be possible to obtain, this Session, the necessary legal powers for dispensing with the attendance of the captain of the Custom House?

Mr. AYRTON replied that the Question was engaging the attention of his right hon. Friend the Chancellor of the Exchequer, and that some provision would be made with regard to it in a Bill relating to foreign wines which had been introduced into the House, and which would shortly be printed.

### METROPOLIS—ST. PANCRAS WORKHOUSE.—QUESTION.

Colonel BARTTELOT said, he wished to ask the President of the Poor Law Board, Whether it is the intention of the Poor Law Board to institute an inquiry into the death of Mary Allen, who lately died in St. Pancras Workhouse, under circumstances which caused an inquest to be held, as reported in "The Times" of July 7th; and, whether the Poor Law Board intend to hasten the furnishing of the new parish Infirmary at Highgate?

Mr. GOSCHEN said, in reply, that it was the intention of the Poor Law Board to institute an inquiry into the subject referred to by his hon. and gallant Friend. With regard to the second part of the Question, he might say that the hastening of the new parish Infirmary at Highgate must depend rather upon the action of the contractor who had undertaken the works, and of the guardians. The Poor Law Board had issued all the orders and had approved of the plans, and the building was now in progress. With that the action of the Poor Law Board was at an end.

## CONTAGIOUS DISEASES (ANIMALS) (No. 2) (*re-committed*) BILL—[Bill 103.]

(*Mr. Dodson, Mr. William Edward Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 9th July.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 90 (Clause D. Application of balance unappropriated).

Sir EDWARD BULLER rose to call attention to a case which had occurred in the Union of Market Drayton, in Staffordshire, in which compensation had been disallowed by the quarter sessions, on the ground that the inspector, Mr. Duff, by whose order cattle had been slaughtered, was, owing to some technical informality, not legally appointed, and that between the 20th of February and the 4th of March, 1866, there was no legal power committed to any inspector to order the slaughter of cattle. Those, he said, whose cattle had been slaughtered had surrendered them freely in obedience to the orders of a person whom they had every reason to believe had been duly appointed inspector, and he trusted that, under those circumstances, a mere legal informality would not be allowed to stand in the way of doing that which was simply an act of justice. There was at present in the possession of the quarter sessions the sum of £1,300, being the surplus of the amount collected to pay compensation for cattle slaughtered. It was objected that this £1,300 was the property of the rate-payers, and ought to be restored to them; but he could not admit that view, or that his Amendment would open the door to fraudulent applications. He had been particularly careful to guard against the latter danger. It was also said that it would be establishing a bad precedent, and that it was *ex post facto* legislation; but, on the contrary, he thought the worst principle they could establish was that when persons sacrificed their property for the public benefit, the House should not keep faith with them. With the purpose of carrying out the views he had expressed, he proposed, as an Amendment, to leave out in page 21, line 34, after the word "fit," all the words to the end of the clause, for the purpose of inserting the following words:—

"Dispose of such balance, or any part thereof, as follows:—(1.) They may apply such balance, or any part thereof, in compensation for cattle slaughtered by direction of an inspector between the twentieth day of February and the fifteenth day of April, one thousand eight hundred and sixty-six, in order to prevent the spread of cattle plague (for which cattle no compensation has been paid by any insurance office or company), although such inspector may, in relation to such slaughter, have acted outside the district for which he had been appointed inspector. (2.) They may carry such balance, or any part thereof, to the credit of the ordinary account of the local rate, to be applied for any of the purposes for which the local rate, when levied under any Act other than an Act repealed by this Act, is applicable."

Sir SMITH CHILD, in supporting the Amendment, said, the farmers who had given up their cattle to be slaughtered believed that they were acting in strict obdience to the law, and therefore if some technical difficulty had been experienced in the way of granting that compensation, it was only reasonable that the local authorities should be enabled to compensate these persons for their losses out of the funds to which they had contributed. They did not ask that a new rate should be levied for the purpose, and if the Amendment was passed it would do no wrong to any one, but would do justice to those persons.

Sir CHARLES ADDERLEY said, he had placed an Amendment on the Notice Paper which, he thought, better explained the point at issue. It was as follows:—

"(1.) They may apply any part of such balance in compensation for cattle slaughtered between the passing of the Act twenty-ninth and thirtieth Victoria, chapter two, February twentieth, one thousand eight hundred and sixty-six, and the appointment of Inspectors under that Act, by direction of a person whom the owner of such cattle had reasonable ground to believe to be the authorized Inspector for the execution of the Act."

In this case the farmers were induced to put their cattle to death in obedience to the directions of a man whom they had every reason to believe to be an authorized inspector to carry the Act of Parliament into execution. The question was whether that House ought not, in justice to cure the blot, if there were any blot in the law.

Mr. M'COMBIE said, Aberdeenshire was exactly in the same position as the district now alluded to, and if the Amendment were carried he must put in a claim for Aberdeenshire.

MR. W. E. FORSTER said, he was sorry to be obliged to oppose the Amendment. The effect of the particular clause in the Bill under consideration was that when there was an unappropriated balance of the fund raised for compensation, it should be returned to the rate-payers, and he did not see how the Committee would adopt any other enactment. There was no legal claim for the slaughter of these cattle, as they were killed by an inspector not authorized to kill by the Act of Parliament. He had received a letter from the chairman of the petty sessions, now chairman of quarter sessions, before which the case was considered, and after stating the particulars, the writer observed that the Amendment, if passed, would give an undue advantage to those persons whose cattle were killed by Mr. Duff over those whose cattle were killed by others before the Act of 1866 came into operation, and would cause great dissatisfaction among the rate-payers. With regard to this particular case he did not deny that it was a case of hardship, but it was only one among a vast number of other cases of hardship. Before the passing of the Act of 1866, a great number of cattle were slaughtered, amounting in value to something like £100,000 and if it were once admitted that there was a *bonâ fide* claim for compensation for cattle killed, not in accordance with the conditions of that Act, he did not know where they could stop.

COLONEL DYOTT, as one of the rate-payers of Staffordshire, said, that he not only thought it fair that this Amendment should be carried, but he should think it very unfair if it were not. The whole mistake appeared to arise from the inspector being appointed to inspect Market Drayton Union instead of certain petty sessional divisions; but that mattered not to the owners of the cattle, who believed that their cattle were slaughtered according to law, and who had, therefore, a right to expect compensation.

MR. CARNEGIE said, there were quite as many hard cases by cattle being allowed to die, as by cattle being killed, and if exceptions were to be made in one county it would be well to consider claims from all parts of the country at the same time.

MR. BRUCE said, that as a matter of justice there could be no reason for extending this favour to this limited class of persons while it was denied to others in the same situation whose cattle were destroyed previous to the date fixed in the Amendment.

MR. CAWLEY considered that the Amendment should be adopted.

SIR CHARLES ADDERLEY said, that there was a clear distinction between the two dates mentioned by the right hon. Gentleman (Mr. Bruce).

MR. W. E. FORSTER said, if they put these words into the Bill they could not in consistency oppose the claim of all those parties whose cattle were killed by order of *quasi* authorities prior to the passing of the Act of 1866. To do that would involve, according to one calculation which had been made, a cost of £100,000; and if it was desirable to pay this large compensation it should be done by special legislation and not by interfering with the provisions of the present Act.

MR. J. B. SMITH said, the clause only applied in cases where there was an unappropriated balance, and this made all the difference.

SIR EDWARD BULLER said, he would withdraw his Amendment and adopt that of the right hon. Gentleman (Sir Charles Adderley). He had no affection for the words of his own Amendment; they were supplied to him by his right hon. Friend (Mr. Forster).

MR. W. E. FORSTER rose to explain. He must not be held responsible for the Amendment of the hon. Baronet. He simply allowed the Government draftsman to draw the Amendment, in order that the discussion might be taken upon words ranged in proper legal form.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 21, line 34, after the word "fit," to insert the words "apply any part of such balance in compensation for cattle slaughtered between the passing of the Act twenty-ninth and thirtieth Victoria, chapter two, February twentieth, one thousand eight hundred and sixty-six, and the appointment of Inspectors under that Act, by direction of a person whom the owner of such cattle had reasonable ground to believe to be the authorized Inspector for the execution of the Act."—(*Sir Charles Adderley.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 97; Noes 80: Majority 17.

Major WALKER moved, at the end of the Amendment last carried to add—"Or they may return such balance to the original contributors." Where a fund was raised for a special purpose, it was desirable that the money should be returned to the original contributors. His Amendment only gave permission to the local authorities, if they thought it desirable and convenient, to return the balance to the contributors.

Mr. W. E. FORSTER said, if the local authorities tried to put the Amendment in force they would be defeated by the circumstances of the case. The rate-payers might very fairly be considered the representatives of the contributors of three or four years ago.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 91 *omitted.*

Clauses 92 to 95, inclusive, *agreed to.*

Clause 96 (Mortgage of rates in certain cases. 1866 (I.) s. 22).

Mr. J. B. SMITH said, this clause raised the whole question of rate-paying, and he would, therefore, move that it be omitted. It was much to be regretted that the House had legislated on this subject before they had thoroughly discussed the principles of the Bill. The arrangements respecting the prevention of the spread of disease had indeed been carefully discussed; but, unfortunately, there had been no debate on the principle by which money was to be raised for compensation. The Bill, of 1866, originally contained a provision that all boroughs in England and Scotland should be exempt from the payment of county compensation, and that principle was a just one, inasmuch as boroughs were consumers and not producers of cattle; but the justice of the principle was lost sight of in the progress of the Bill through Parliament, and a clause was inserted providing that boroughs, having a court of quarter sessions, should only be obliged to compensate for animals slaughtered within their own areas, but that boroughs which had no quarter sessions should be liable to pay compensation for any cattle which might be slaughtered within the county. That was a most absurd distinction, which was founded upon no principle, and it was perpetuated in the Bill now before the Committee. The right hon. Gentleman made this difference between the old Acts and the present Bill, that he proposed that compensation should never exceed a rate of 9*d.* in the pound, and that when it reached that amount a rate in aid should be granted. Cheshire, which the cattle plague visited more severely than any other county, lost 38,000 cattle, for which no compensation was paid, and subsequently to the passing of the Act, it lost 25,000 cattle, which were compulsorily slaughtered to prevent the spread of the disease. It was estimated at the time of the cattle plague that the fortunate holders of healthy cattle received a profit of £35,000,000 sterling by the increased value given to their cattle. They were the parties, therefore, who ought to have paid for the slaughter of the cattle that were killed to keep them in health. But it appeared that several counties in England paid no compensation whatever. The sum paid for compensation in all the counties in England was £630,000, of which no less than £249,000 was contributed by Cheshire alone. These figures were given in a Parliamentary Return, dated 7th of June, 1869, which also showed that six counties paid no compensation at all; that seventeen paid less than 1*d.* in the pound, ten less than 3*d.*, and five less than 4*d.*; that six paid 6*d.*, one 7½*d.*, and one (Lincoln) 9½*d.* The boroughs in Cheshire having quarter sessions, exclusive of Chester, paid £1,835, whereas Salford, which lost only five cows, but which had no quarter sessions, paid £1,985, or more than all those boroughs put together. In like manner Preston, which lost two cows, had to pay £1,195, while Halifax, which lost none, had to pay £867. He might enumerate many other instances to show the unequal incidence of the law. His own borough, Stockport, or that part of it which was in Cheshire, was heavily taxed, and in addition it was estimated that the borough—assuming each inhabitant consumed ¾lb. of animal food in a week, which was very moderate—paid a tax of £13,000 on the enhanced price of food. During the time of the cotton famine Stockport had suffered great distress, and it had to borrow £64,000, while now it was proposed to saddle it with the payment of a large sum per annum for a period of thirty years for the purposes of compensation. Oldham, which had no quarter sessions, paid seventy times, and Salford, which had none, paid 100 times as much, as all the boroughs in England that had quarter sessions—

THE CHAIRMAN said, he would remind the hon. Member that they were discussing Clause 96, which had relation to the mortgaging of rates, and he did not see the relevancy of the hon. Gentleman's present remarks to that clause.

MR. J. B. SMITH said, this question was not discussed on the second reading; but he distinctly reserved to himself the right of discussing the question in Committee, and he now claimed that right.

THE CHAIRMAN: Then it is my duty distinctly to inform the hon. Gentleman that he cannot discuss the principle of the Bill on Clause 96.

MR. J. B. SMITH: Then I beg to move the omission of the clause.

MR. W. E. FORSTER said, he regretted that his hon. Friend was precluded by the forms of the House from giving expression to the views on the subject which he wished to lay before the Committee. If his hon. Friend's intention was to replace the local rate by a national rate, he did not think he would be in Order in making that proposal, inasmuch as the House had already asserted the principle of a local rate. Having assented to a local rate, he imagined that the Committee generally would be in favour of the principle of a rate-in-aid, and this clause was merely intended to give effect to that principle.

MR. J. B. SMITH said, he wished that, instead of a limited area, as proposed, the whole of the unions of England should be called on to contribute to the payment of compensation.

EARL GROSVENOR said, he should like to know whether the Committee were precluded from dealing with the question of the propriety of having a national rate in discussing the clause under consideration?

THE CHAIRMAN replied in the affirmative. The clause related simply to the mortgage of local rates in certain cases.

SIR GEORGE JENKINSON protested against the principle of the adoption of a national rate for the purpose of giving compensation for local losses. Each county ought, he thought, to be left to take care of itself.

MR. J. B. SMITH: Am I debarred from taking any other course than merely moving that the clause be negatived?

THE CHAIRMAN: The hon. Member can either move that the clause be amended, or that it be negatived, with the view, if he thinks fit, of introducing new clauses on the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 97 *agreed to.*

Clause 98 (Half-yearly accounts of compensation, 1867, s. 37).

MR. CAWLEY *moved* the omission of the words "in compensation for animals slaughtered," in order to insert the words "for the purposes of this Act," and with a view to the further omission of the words which made the accounts half-yearly instead of annual. He said his object was to equalize to some extent the objectionable part of the measure. As the Bill was drawn the rate-in-aid would not come into operation until 9*d.* in the pound was required. The Amendment he proposed had a twofold object: first, to make the rate-in-aid apply to the general expenses of the Act, as well as to the compensation for slaughtered cattle; and, second, to make it yearly instead of half-yearly. As the Bill stood, if one locality lost to the extent of 6*d.* in the pound in one half-year, and then succeeded in stamping out the disease, they would only have to pay 4½*d.* themselves, and they would raise the other 1½*d.* by a rate-in-aid; whereas another locality which lost 8*d.* in the pound, but which had the loss spread over a whole year, losing at the rate of 4*d.* in each six months, would have to pay the whole amount themselves, and would get no relief at all in the shape of a rate-in-aid.

MR. W. E. FORSTER said, he could not agree to the Amendment, so far as it sought to make the rate-in-aid available for all the purposes of the Act, as well as for compensation. He thought it was not advisable to make a rate-in-aid available for less than 9*d.* in the pound; and it would not be right to allow one locality to appeal to another for aid if the rate were only 3*d.* in the pound. As to the proposal to make the accounts annual, instead of half-yearly, he had no objection to accept that, on the understanding that if there were any sound objection to it on the part of the framers of the measure he should be at liberty to revert to the original provision on the Report of the Bill.

Mr. J. B. SMITH said, it was dangerous to legislate on the assumption that we should never have a 9*d.* rate. Had not the right hon. Gentleman himself spoken of a plague even more malignant than the cattle plague; and what would be our position if that visited us?

Mr. W. E. FORSTER, on re-consideration, must decline to accept the Amendment of the hon. Member (Mr. Cawley). The whole clause related merely to compensations.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 99 (Application to Poor Law Board by local authority for audit, 1867, s. 38).

Mr. CAWLEY *moved,* in line 21, to leave out "the rate of nine pence," and insert "three pence." He should be glad if some modification could be made in the amount of the rate.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 100 *agreed to.*

Clause 101 (Power for Poor Law Board to make order of contribution, 1867, s. 40).

Mr. J. B. SMITH said, he objected altogether to the principle of a rate-in-aid. The owners of cattle should provide against accidents by insuring their property, just as the owners of horses and ships were obliged to do. But if any rate-in-aid was to be imposed it should be a rate on the whole country, or on the Poor Law Union as in Ireland.

Mr. HIBBERT said, he thought this clause very much depended on what was done with Clause 7. He considered the principle of a rate-in-aid very objectionable, and that it required great care on the part of the Committee. If a call was to be made upon any other district it ought to be made on a wider area.

Mr. W. E. FORSTER said, he would be quite prepared to deal with Clause 7 when they came to it. In the meanwhile he might say that the definition of the word "borough," which would be adopted by the Government, would be "any municipal borough, or any borough having its own police."

Mr. HIBBERT observed that it was quite different to give power to the Poor Law Board to levy a rate-in-aid for cattle plague and for distress under the Poor Law Act. In the former case the cattle plague might extend so far as to render the adjoining district worse next year than that in the aid of which it had to contribute, whereas in the latter case distress under the law of Elizabeth was not at all likely to extend in that way.

Colonel DYOTT said, he thought it would be better to give the power to issue orders to the Privy Council instead of the Poor Law Board. It was so in other parts of the Bill.

Colonel SYKES was of opinion that cattle ought to be insured by their owners.

Mr. CHADWICK said, he thought this the most important clause of the Bill. A great deal depended on what meaning was attached to the words "adjoining districts." They might comprise four, five, or six counties. It would be better to postpone the clause, or to adopt the same rule as in Ireland.

Mr. W. E. FORSTER said, that the debate on the question whether there should be a rate-in-aid or not had very unexpectedly arisen. He did not wish to prevent that question from being fully considered, but it had taken him rather by surprise, because no Amendment had been put on the Paper on the subject. He trusted that the Committee would allow the remaining clause to be taken now, so that the question of the rate-in-aid might be discussed on the Report.

Mr. HENLEY said, he thought it worthy of consideration in the meantime whether the Privy Council was not the proper authority to act in the case. The Poor Law authorities had no connection with the local authorities of county or city districts, but only with the Poor Law Unions.

Mr. DENT said, that the right hon. Gentleman would, perhaps, consider whether if a rate-in-aid were adopted it should not be collected from the larger area of the whole of the country.

Mr. W. E. FORSTER said, that the rate-in-aid in Ireland extended over the whole of the country, and was not contingent upon its being more than 9*d.* in the pound. Before the Report he would consider the whole question of the rate-in-aid, and also the suggestion relative to the Privy Council.

Clause *agreed to.*

Clauses 102 to 121, inclusive, *agreed to.*

Clause 122 (Appointment of local authority in counties).

MR. MILLER *moved* in page 30, line 2, leave out from "appointed," to "shall," line 6, and insert—

> "In every county the tenants of agricultural subjects valued in the valuation roll in force for the time at fifty pounds, or upwards, and the proprietors of agricultural subjects valued in such valuation roll at fifty pounds and under one hundred pounds, and farming their own land, shall meet immediately after said meeting of Commissioners of Supply, and nominate a number of tenants of agricultural subjects valued in the valuation roll aforesaid at one hundred pounds or upwards, equal in number with the number nominated by the Commissioners of Supply, to act on the County Board; and the clerk shall give the requisite notice for such meeting as he does, for the meeting of the Commissioners of Supply, and shall report to the meeting the number of persons nominated by said Commissioners of Supply and the clerk."

SIR ROBERT ANSTRUTHER, as the Lord Lieutenant of a Scotch county, begged to say that he had no objection to the Amendment.

MR. DYCE NICOL said, he thought it would be highly desirable to obtain the advice and co-operation of the tenant-farmers in carrying out the objects which this measure sought to attain. He had grave doubts, however, whether such advice and co-operation could be attained by the machinery proposed in the Amendment.

MR. CRUM-EWING said, there would be considerable difficulty in carrying out the Amendment without additional machinery.

MAJOR WALKER said, that in the part of Scotland with which he was chiefly connected the principle on which this Amendment was based had been fully considered, and had been generally, if not unanimously, approved. He should, therefore, support the Amendment.

THE LORD ADVOCATE said, there could be no objection to the object of this clause, which the hon. Member (Mr. Miller) proposed to insert, which was to give representation to the local tenantry. The only objection was to the machinery, and he would suggest that the hon. Member should withdraw his Amendment, and bring up the clause on the Report, during which time they could consider how the object which the hon. Member had in view could best be carried out.

MR. MILLER said, he had no objection to act upon that suggestion.

MR. W. E. FORSTER said, the object of the Government was to frame the Bill so that it should be as acceptable as possible to those who would have to work it.

SIR JAMES ELPHINSTONE said, there was no objection to the Amendment, provided the £100 qualification was adhered to, as persons below that qualification were not persons whom it would be desirable to have in such a body.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 123 to 128, inclusive, *agreed to.*

Clause 7 (Definition of boroughs and other places, 1866 (I.) s. 3).

MR. W. E. FORSTER said, the Bill had been brought forward for two main objects—first, to put the foreign trade in a better position, and secondly to prevent, as far as possible, certain other diseases, besides cattle plague, and more especially home diseases, among cattle. It had not originally been their intention to make any alteration in the existing law with regard to the area of compensation or the mode of levying it, but when it was thought desirable that that should be a permanent Consolidation Bill, the objections to the present Act naturally assumed new force. There had been differences in our past legislation with regard to the definition of the words "local authorities." When the Act of 1866 had been introduced, every municipal borough was considered to be a borough; but, while the Bill was under discussion, an alteration was made which confined the application of the word to the comparatively few boroughs in which quarter sessions were held, leaving other boroughs, whether they happened to have corporations or not, to be dealt with as parts of counties. The result of that change had been great inequalities of taxation for the purposes of providing compensation for the slaughter of cattle, as between one kind of borough and another. Such inequalities would, he believed, never arise again, because he did not think it likely that the large sums hitherto paid would have to be paid in future, and that, as he had said before, instead of being a matter of pounds it would be a matter of pence. There could be no doubt at the same time that in places such as Birkenhead and Stockport, which had to pay large sums in the shape of compensation, the law had been found to press very heavily. In considering the propriety of making a change in that law the Government had to take into account the suggestions which had been made by several hon. Members, the first of which was that of his hon. Friend the Member for Oldham (Mr. Hibbert) who had suggested that all boroughs should be abolished for the purposes of the Bill, while the area of rating should be the whole county. Then came the proposal of his hon. Friend the Member for Stockton (Mr. Dodds) which was to restore the Bill to the state in which the first Act upon that subject stood, and to allow every municipal borough to be considered a borough. Next, there was the suggestion of the hon. Member for Birkenhead (Mr. Laird) framed with a view to meet the peculiar position of that town, which, though a Parliamentary borough was neither a quarter sessions borough nor a municipal borough. They had before them also the proposal of the hon. Member for Salford (Mr. Charley) to substitute for local rates a general cattle insurance; and there afterwards came the suggestion made by his hon. Friend the Member for Stockport (Mr. J. B. Smith) to re-place local rates by a national rate. Now, taking the last proposition first, he had to observe that in the opinion of the Government it was very desirable that the local authorities should have all the stimulus to economy and personal exertion which generally accompanied local responsibility. The question they had, then, to consider was, whether they should leave the Bill as it stood, or whether they should adopt some such proposal as that of the hon. Member for Oldham, and have no borough at all, or as that of the hon. Member for Stockton, and allow every municipal borough to be considered a borough under the Bill. There was this practical objection to the proposal of his hon. Friend the Member for Oldham, that it would be a very difficult and almost unknown proceeding to levy a county rate on boroughs that had for a long time had quarter sessions. The chief point to be kept in view was the efficiency of the Act, and, as the Committee was aware, municipal boroughs, especially those which were of any importance, and had not quarter sessions, generally speaking had police of their own. To have a double jurisdiction in the case of such a force was almost always attended with failure, and if the Act was to be worked efficiently, it would be better, he thought, that the carrying out of its provisions should be intrusted to the police of those boroughs rather than to the police of the county. As to places which had not turned themselves into corporations, they could hardly expect to obtain the advantages without undertaking the burdens of a corporation. But the object of the Act was to get the most efficient working, and therefore he should be inclined to adopt the Amendment of the hon. Member (Mr. Laird) in addition to that of the hon. Member for Stockton (Mr. Dodds). The result would be that every municipal corporation would be considered a borough for the purposes of this Act, together with every other place which was of sufficient importance and size to maintain a police force of its own.

Mr. HIBBERT said, he was satisfied, on the whole, with the proposal of the right hon. Gentleman, and would not press the Amendment of which he had given notice.

Mr. CHARLEY thanked the right hon. Gentleman for adopting the Amendment of which he had originally given notice.

Mr. DODDS said, he hoped the Amendment would be unanimously adopted.

Mr. READ said, the practical effect of the Amendment would be to take almost every borough out of the counties. He apprehended, however, that in the years to come the compensation to be given would be small, and therefore he had no objection to the proposal. In point of principle, however, he strongly differed, for it was surely for the benefit of the towns that foreign cattle should be imported, and foreign cattle brought the cattle plague here, and yet in future the towns would pay next to nothing for stamping it out. Its introduction was not an act of Providence, it was an act of man; and if it ever came again the whole responsibility would rest upon the Privy Council.

Mr. DODDS *moved* to omit the words "and which is not assessed to the county rate of any county by the justices of that county."

Amendment *agreed to.*

MR. LAIRD *moved* to insert the words "or which is a town or place having its own police independent of the county."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

MR. W. E. FORSTER *moved* the insertion of the following new clauses:—

(Record respecting slaughter.)
(General Expenses.)
(Validity of rates under Act.)

And, on behalf of the Lord Advocate, two new clauses:—

(Purchase under Provisional order.)
(Rate-in-aid.)

Clauses *agreed to.*

MR. M'COMBIE *moved,* after Clause 14 to insert the following clause:—

(Appointment of inspectors general.)

"The Privy Council shall appoint and keep appointed, after the passing of this Act, one or more inspectors general for England and Scotland separately, whose duty it shall be to see that the provisions of this Act, and all such Orders as the Privy Council may from time to time issue in virtue of the powers vested in them by this Act, are properly carried out by the local authorities; and such inspectors general shall make such reports to the Privy Council as the Privy Council from time to time require."

The hon. Member said that he had had great experience in the working of the cattle plague regulations, having been chairman of the Aberdeenshire Rinderpest Association for nine months, and he was satisfied that it was absolutely necessary, for the efficient working of the Act, that an Inspector General should be appointed for Scotland. In Aberdeenshire the defended themselves by "stamping out" the disease immediately, wherever it appeared; but it was allowed to take its course in some neighbouring counties, and, as a consequence, all of the valuable herds in Forfarshire were almost entirely swept away; scarcely a beast was left alive. This was a great national loss. They were the finest herds of polled Angus in Britain, and they could not be replaced. At least, it would take many a long year before that was possible. Now, if there had been an Inspector General for Scotland, this loss might have been avoided. Without an Inspector General for Scotland, the people were helpless; for the police and the veterinary surgeons had very little weight where counties, or their local authorities were obstinate, or would not enforce the Act. He considered such an Inspector General absolutely necessary; for it would be impossible for one living in London to do justice to Scotland, as it would be at least a week before he could reach Scotland after he got intimation of his presence being required, and it would be impossible for him to remain there for any length of time.

MR. W. E. FORSTER said, he hoped his hon. Friend would not press the clause. The Privy Council would endeavour to carry out the object which he had in view. It was not desirable to have one Inspector for England and a separate one for Scotland, because the evidence and documents upon which the Inspector would have to rely, in dealing with the cattle plague, were all sent to the Privy Council Office, and would not be easily accessible to the Inspector in Scotland. When the Act became law, he promised to give the subject his serious consideration, with the view of carrying out the object of the hon. Member for Aberdeenshire.

SIR ROBERT ANSTRUTHER said, that what was wanted was a permanent official for Scotland, who would be responsible for the carrying out of the provisions of the Act.

COLONEL SYKES remarked that the object of the proposed clause was to have a person on the spot, to whom application could be made in case the carrying out of the Act was neglected.

MR. W. E. FORSTER stated that the Act, as it stood, gave the necessary power to have the Act properly and efficiently administered both in England and Scotland.

Clause *negatived.*

MR. READ said, he had intended to move, after Clause 60, the following clause:—

(Mode of carriage of animals to be subject to Privy Council directions.)

"Every vessel, steamboat, and railway shall provide such space and ventilation for each animal carried by them, and also shall undertake to forward such animal to the place to which it is consigned in such reasonable time and in such manner as the Privy Council may from time to time direct;"

but if the Vice President of the Council promised to take up the matter he would not persevere with his intention. He held, however, that it was essentially necessary that something of this sort should be done, as steamboats were very fruitful causes of cattle disease.

Mr. W. E. FORSTER said, that since the interesting debate on last Friday in reference to the clauses accepted by the railway companies, he had been looking more closely into the state of the cattle traffic by steamboats, and he had a Report on the subject drawn up by Professor Simmons, which he hoped would be in the hands of Members by Thursday or Friday morning. He thought that Report would convince the House that it would be hardly possible to pass a Bill of this kind without taking some power in reference to the cattle traffic by steamboats. He could only say that it was a difficult matter to determine how the evil complained of in connection with the steamboat traffic was to be stopped; but it was only justice to the owners of steamboats to say that he had no reason to suppose that they wished to expose the animals to unnecessary suffering, or to do anything which might propagate disease. They would be ready no doubt to avail themselves of any assistance which the Government might offer for making better regulations. He was not now in a position to propose any clause for the purpose in Committee; but he would give notice to-day or to-morrow of a short alteration in one of the clauses, giving power to the Privy Council to deal with the matter, and this alteration he would submit for consideration in bringing up the Report of the Bill.

Mr. WINGFIELD BAKER *moved*, after Clause 61, to insert the following clause:—

(Cleansing and disinfecting farm buildings.)

"Every local authority may, upon assent being first obtained by it of the Privy Council, require every occupier of any farm buildings in any way used for keeping, feeding, or rearing of animals, thoroughly to cleanse, ventilate, and disinfect the same in such manner as such local authority may from time to time direct."

He thought it a most desirable object.

Mr. W. E. FORSTER said, he was sorry he could not adopt the clause. They had already in the Schedule adopted stringent regulations for inspecting infected places, and they must be careful not to discredit the Act by over interference.

Clause *negatived.*

Mr. READ *moved* a new clause after Clause 62—

(Railway Companies to provide water in cattle lairs, &c.)

"Every Railway Company shall make provisions for a proper supply of water in all cattle lairs and sheep-pens at their stations, and shall make such provisions for watering cattle in transit as the Privy Council may from time to time direct."

He thought the present system of conveying cattle by railroad was a cruelty and a disgrace, crowded as they too often were into a truck without any covering. He believed it would be perfectly easy to water cattle in transit, and he hoped the right hon. Gentleman would agree to the clause he had proposed.

Mr. W. E. FORSTER thought that after the clause which had been passed, the proposed clause was not wanted. He regretted that the hon. Member was not present on Friday, when the question was discussed; but he had already taken powers with regard to the watering of cattle at railway stations.

Sir GEORGE JENKINSON said, he hoped the right hon. Gentleman would allow the proposed clause to be inserted. It would be no hardship on railway companies if they were bound to provide a supply of water at stations at which animals were embarked, and he should also like to see coverings provided for the trucks.

Mr. W. E. FORSTER said, he hoped the Motion would not be pressed, because it was weak as compared with the clause that had been passed on this subject. It would be well not to overdo the thing, or public opinion, which was now in favour of legislation in favour of the animals, might undergo a change.

Mr. READ said, he would withdraw the clause, but trusted that the railway companies would have water troughs not only at their large stations, but at every station at which cattle were put into trucks.

Clause, by leave, *withdrawn.*

Mr. M'LAGAN *moved* the following clause:—

(Cattle imported from Ireland.)

"From and after the passing of this Act, it shall be illegal to land any cattle at any port or place in Great Britain from any port or place in Ireland, unless such cattle have been examined at the port or place of embarkation in Ireland, and certified as not being affected with any contagious disease by an inspector duly appointed for that purpose by the Lord Lieutenant General and General Governor of Ireland, and unless such cattle so imported from Ireland shall be accompanied to Great Britain with such a certificate of health as aforesaid; which certificate, with the Schedule attached thereto, is to be handed by the captain of the importing vessel, or by his agent, or by the agent of the owner, to the officer of Her Majesty's Customs appointed to receive the same, before the cattle to which it relates are allowed to be landed at or in any port or place in Great Britain."

He believed that if this prevented diseased cattle leaving Ireland it would have the effect of diminishing disease in Ireland, for it would lead to the slaughter of diseased cattle at once. The clause, therefore, would be beneficial to Ireland as well as to England.

MR. W. E. FORSTER said, he must appeal to the Committee. He should be sorry to check discussion on these matters; but unless they got the Bill through Committee that day, he did not know, in the present state of Public Business, when they should be able to accomplish that object; he trusted, therefore, that the Bill would be allowed to go through Committee that day, and any discussion which it might be thought desirable to have in reference to any point might be raised on the Report. It was not right to make regulations in an English Bill respecting what might happen in Ireland. Although they had taken no powers to regulate anything that was done in Ireland, they had taken very strong powers to check disease.

Clause, by leave, *withdrawn.*

MR. PELL *moved* the following clause:

(Return of cases of disease among imported foreign animals.)

"There shall be published once in every month, in the *London Gazette,* a return of the number of foreign animals imported into Great Britain which, upon inspection on landing within the last preceding month, have been found to be suffering from any infectious or contagious disorder, specifying the nature of the disorder, the port of entry at which, and the country from which such animals have arrived."

MR. W. E. FORSTER said, he would communicate with the Customs, but he did not apprehend there would be any difficulty in furnishing the Returns.

Clause *agreed to.*

Schedules 1 to 6, inclusive, *agreed to.*

Schedule 7,

DR. BREWER *moved,* after line 29, insert—

"Cattle affected with pleuro-pneumonia, and slaughtered under the provisions of this Act, shall not be sold in the fresh state, but only after being submitted to salting; and carcasses of animals slain with this disease sold for consumption in a fresh state shall subject the seller to the penalties provided for the infringement of the provisions of this Act. The offal of cattle affected with pleuro-pneumonia shall be treated with quick lime or other disinfectant. Other cattle in the same field or premises shall be placed under the supervision of the local authority, and subjected to such preventive measures to arrest the spread of the contagion as shall be directed by the Privy Council."

MR. W. E. FORSTER remarked that this was a measure for checking disease in cattle, and not one for checking disease in men. The Nuisances Removal Act would, he believed, suffice to meet the case referred to in the Amendment.

DR. BREWER said, he would withdraw the Amendment, and re-introduce it on the Report.

Amendment, by leave, *withdrawn.*

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Friday,* and to be *printed.* [Bill 212.]

## MALTA.—RESOLUTION.

MR. R. TORRENS rose to call the attention of the House to the Petition of certain Inhabitants of Malta, praying for amendment of anomalies in the constitution of that Island, and to move the Resolution of which he had given notice. The hon. Member said it was not his wish to diminish our military power in that island, and he believed that his Motion would have the effect of strengthening our military position there. The policy of this country had for some years been to encourage self-government and independence in her colonies; but so long as Malta was above the level of the Mediterranean it must continue to be a British fortress, and have a special claim on the consideration of Parliament. The number of inhabitants was about 150,000, and the restoration of good-will and loyalty amongst them would be equivalent to a reserve force of 10,000 men. When, in 1798, they drove out the French, and placed themselves under the protection of England, a distinct pledge was given, but it had not been fulfilled, that their ancient institutions should be preserved, and that they should possess all the advantages accruing under the British Constitution. For many years previously to 1838 the Government of Malta was a military despotism. In 1838 a Royal Commission was appointed to inquire into the state of affairs in the island, the object of the Commission having been stated in a despatch written by Earl Grey to Mr. More O'Ferrall, who was at that time Governor of Malta. Under the direction of Lord Grey, in 1847, the civil government of the island was separated from the military command; and about two years afterwards a kind of Constitution was devised, giving the Maltese a Government consisting of eight elected members, and ten nominated by the Crown. This body proved too cumbrous for an Executive Government, and as a representative institution it was a sham. In 1859, the offices of Civil Governor and Commander of the Forces were re-united, the reason assigned being that, in the event of a war, the power of the Civil Governor would otherwise be superseded. He was far from saying that military or naval men were incapable of being good Governors; but military training and command had a tendency to prevent the development of those qualities which were essential to good governorship. The people of Malta for the last ten years had lived simply under a military despotism, with a constant interference from Downing Street, warning the Governors to abstain from over-riding the will of the people by their official majorities. That, however, was not a desirable state of things. The people of Malta had petitioned against the grievances under which they laboured, alleging that while their neighbours enjoyed full political privileges and liberty, they had to put up with a sham Constitution. He urged that there should be no more shams and no more half-measures for Malta, and that if they were to have representative institutions they should have them honestly and fully. He recommended that the Congresso Popolare should be restored; but he cautioned the Minister for Foreign Affairs against granting Parliamentary government to so small a number as the people of Malta in the shape of an Executive Council, dependent on the will of a Legislative Assembly, especially as that system had not worked well in Australia. It would be a good thing, however, to have an Executive Council to aid the Governor in the administration of the island, the Crown retaining the constitutional privilege of initiating all money Bills and all appropriations. If those suggestions were adopted he believed strength and stability would be retained to the Government of Malta, and if the Congresso Popolare were restored all the existing discontent that had been excited in the island by the mismanagement, and he was afraid he must add the breach of faith, of this country would at once disappear, and the people would become happy and contented. The hon. Member concluded by moving his Resolution.

Mr. O'REILLY-DEASE seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is expedient, in accordance with pledges given in the name of the Sovereign, to restore to the people of Malta, with such modifications as present circumstances may require, their ancient representative institution, the 'Congresso Popolare;' to re-establish the 'Executive Council' as a distinct body, aiding the Governor in administering the Civil Affairs of the Island; and, reverting to the policy abandoned in 1859, to sever the office of 'Civil Governor' from that of 'Commander of the Forces.'"—(*Mr. Robert Torrens.*)

Mr. MONSELL said, it was true that the Maltese were among the most loyal and well-conducted of Her Majesty's subjects; and if they had any grievances it was perfectly right that they should be fairly considered by the House; but he denied that there had been any breach of faith, as alleged by the hon. Gentleman, in regard to the abolition of their ancient institutions, and particularly of the Congresso Popolare. The article of capitulation, signed at the time when England took possession of Malta, stated that the inhabitants should be treated with justice and humanity, and should enjoy the full benefit of the law; but there was no specific reference made to any particular institution; and in the proclamation of the General who then represented the Sovereign of this country we merely undertook to protect the Maltese, and secure them in the full possession of their religion, their property, and their liberty. With regard to the question whether the Maltese now had any grievances to complain of, he would ask hon. Gentlemen to compare the present condition of the island with its condition at the period when the Constitution, which the hon. Gentleman denounced as a "sham," and as resulting in a system of military despotism, was founded. He admitted that before that period the Maltese had serious grievances, and in a Petition which they presented to the Crown before the grant of that Constitution they stated that their then existing government was of the most absolute and irresponsible description; they also complained of a profligate expenditure of the public money, of the prevalence of venality in the Government Offices, and of a fearful insecurity for life, liberty, and property. Contrasting that with the Petition which the hon. Gentleman had presented from the Maltese, containing no allegation of any specific grievances, with the exception of two small sums which they said were spent without the consent of the elected members of the Council, it must, he thought, be acknowledged that the Constitution which the hon. Gentleman had decried had been productive of enormous benefits to the Maltese people. Notwithstanding that there had been a considerable emigration from Malta, its population had increased from 125,000 in 1850 to 140,000 in 1866, while the revenue, without any increase of taxation, had risen from £129,000 a year to £162,000. The imports, in 1852 amounted, to £553,000; and, in 1868, to 1,222,000. The tonnage of vessels entered and cleared, exclusive of the coasting trade, was 1,064,000 tons in 1852; and, in 1865, it was 2,871,182 tons, and owing to the steps taken by Mr. More O'Ferrall for establing of granaries and providing for the landing of grain, with the view of making Malta the great corn depôt in the Mediterranean, there had been a large development of that branch of its trade. In the Petition presented to the Crown in 1846, one of the principal and best-founded complaints was the absence of any provision for education. In 1850, there were only twenty-one public schools, with 3,332 pupils; but, in 1868, there were sixty-six public schools, with 7,200 pupils, besides 130 private schools, which gave an adequate amount of education to the population of the island. The land revenues and the rents from land belonging to the Government, which, in 1850, yielded only £28,000 a year, now yielded £39,000, owing to the increase in the value of property in Malta. The expenditure on roads and public works, in 1850, was £26,000, and, in 1861, it was £42,000. Charities, hospitals, Universities, and lyceums had also, during the same period, been developed and increased to a remarkable extent. These results had been obtained under the Constitution which the hon. Gentleman so strongly denounced, and it must be admitted that, as far as they went, they were most satisfactory. All the countries in the neighbourhood of Malta viewed the condition of the Maltese with envy, and longed to have their laws as justly administered, and their material and intellectual interests as well cared for. In the Petition presented from Malta by the hon. Gentleman it was alleged that the Council was of too military a character. That Council consisted of eight elected and ten official members. A Petition presented in the year 1864 contained a statement similar to that made in the Petition recently laid on the table, to the effect that the Constitution of the country did not give the people of Malta sufficient control over their local government; but that Petition had received an answer from the late Duke of Newcastle, which had been considered perfectly satisfactory by those whom it immediately concerned. The hon. Gentleman seemed to think the Government of Malta was a kind of military despotism; but he did not appear to be aware that. for a considerable time, there had been only two cases of interference in the local affairs of Malta by the Governor without the consent of the elected members of the Council; and, without defending anything of that kind, he said they were cases of the most trivial and minute kind. Still, the present Government would, as far as they could, prevent the repetition of such instances, their desire being that in the local affairs of Malta the will of the elected members should be in almost everything supreme. With regard to the Governor it would, he admitted, be an unjust thing to appoint any man who was not deemed likely to govern the civil affairs of the inhabitants well. The present Governor was a most distinguished officer, who performed his duties most admirably; and his term of office would continue for three or four years more. His hon. Friend was not very specific in his allegations, but dealt rather in an accumulation of strong epithets; but he could say, on the part of Her Majesty's Government, that if his hon. Friend, or anybody else, should bring forward any specific grievance under which the people of Malta laboured, it would meet with the serious consideration of his noble Friend at the head of the Colonial Office. There was a vast number of officials in Malta, the immense majority of whom were Maltese, and his advice to his hon. Friend would be to inquire whether Malta was not over-administered, and whether he could not devise a scheme by which he could get rid of some of the bureaux, and introduce economy in that respect. At present the question of emigration was under consideration, and he should feel obliged if his hon. Friend would assist in any way in improving the condition of a people than whom there were no more loyal subjects of the Crown.

Mr. R. TORRENS, in reply, said, that what he had referred to was the proclamation of General Cameron, which contained these words—"His Majesty grants you full protection and the enjoyment of all your ancient rights." That included a Legislative Council elected by the people, and it was to that his remark was directed. He believed that, after the statement of his right hon. Friend, there would be very little use in his pressing the Motion to a division. But he was convinced that the decision of his right hon. Friend upon that subject would be received with great regret in the island, where the grievance of being left without popular representation was deeply felt.

Motion, by leave, *withdrawn.*

## CHINA (TREATY OF TIEN-TSIN).

### MOTION FOR PAPERS.

Colonel SYKES: I think it necessary, Sir, to call the attention of the House, in the interests of the commercial community trading with China, to the present state of our relations with China in reference to the revision of the Treaty of Tien-tsin of 1858. Those relations may be expressed in a very few words—namely, that there is not any permanent security for the persons or property of foreigners in China. British merchants and missionaries even in treaty ports and in other places are exposed to personal outrage, to robbery and attempted assassination, without obtaining redress, unless by military demonstration or by military operations; and that the obligations of the Treaty of Tien-tsin of 1858 are still unfulfilled.

This may seem a sweeping assertion, but I shall be able to prove—not from hearsay or newspaper reports, but from Parliamentary documents — that the statement is founded on facts, and that this mischievous and unsatisfactory state of affairs is the necessary and inevitable result of the weakness—indeed, impotency—of the Central Government of China. A few preliminary remarks on the constitution of the Government of China will assist to explain my views. Although of great antiquity, its origin being referable to 265 of the Christian era, no less than twenty-two dynasties have risen and disappeared since that date; two, three, or more contemporary rival Emperors have contested the supremacy, each change being accompanied by anarchy; rebellion has succeeded rebellion, but up to 1646 the Chinese contests had been confined to themselves, with one exception; but in that year they were invaded by foreigners—the Mantchow Tartars, of whom is the present Imperial family. The resistance of the Chinese was desperate, and at Canton alone 100,000 persons were put to death; and the feeling of hostility to their foreign rulers gave rise to the secret Triad Societies, which, by their intrigues and lawlessness, created constant terror in society. The Tartars endeavour to hold their own by garrisoning some of the great cities by troops of the Eight Banners, but the Tartar troops are always separated from the people of the cities by walls, as is the case at Pekin itself. But the country at large is under abortive military control, as is manifested in the constant rebellions co-existent in the provinces, and sometimes menacing the capital itself. Sir Harry Parkes, on the 24th of March, 1862, stated, at a meeting of the Geographical Society of London—"that he recollected some years ago a memorial to the Emperor, in which it was stated that ten rebellions were going on at the same time in different parts of the Empire." Mr. J. B. Robertson, in his letter to Consul Medhurst, February 13, 1869, speaking of the weakness of the Central Government, says—

> "Now this might prove a serious embarrassment to a weak Government like that of China, which has to confront rebellion on occasion of every deficient harvest or overflow of the banks of the Yellow River."

Mr. K. H. Holl, writing from Tien-tsin, April 28, 1868, says — "The rebels are burning villages in the neighbourhood of Tien-tsin." Mr. Burlinghame, the Ambassador from China to the Governments of Europe, had personal and painful experience of their presence by his detention on his journey from Pekin to Tientsin, from which he was only released by the blue-jackets of Her Majesty's gunboat *Dove.* The Imperial Customs Commissioner, Mr. Fitzroy, in his Report, March 15, 1867, from Shanghai, to the Imperial Superintendent of Customs, Mr. Hart, uses the following language:—

> "Periodically during the winter the Nien-fei, who have existed from the time of the Ming dynasty, scour the neighbouring provinces, upon which they levy black mail. They are not to be despised, and if the Imperial Government does not display more than its usual energy, they may (the Nien-fei), at no distant day become formidable successors to the Taepings."

To these Taepings it is not necessary, with the information before the House, to say more than they maintained their rebellion for thirteen years, established their government at Nankin, and would have extended it to Pekin, as our Ambassador, Sir Frederick Bruce, states, had not the British interfered and slaughtered them at the very time the British and French troops were marching upon Pekin. But testimony to existing rebellion in Shensi, or elsewhere, is given by a recent proclamation affixed to the walls of Shanghai, raising the war tax—which had existed from the date of the Taeping rebellion—30 per cent; and these new rebels are not designated, as of old, the Nien-fei, but, as a separate class, are called the Wei. These rebellions sufficiently testify to the weakness of the Central Government, but the proofs extend much further. One source of weakness is described by Sir Rutherford Alcock in his despatch to Lord Stanley, October 1, 1867, in which he says—

> "The want of money for the payment of their armies is a main cause of continuous insurrection; whole divisions thus go over to swell the ranks of those who make all government impossible."

With respect to provincial government the Viceroys of the eighteen provinces are appointed by the Central Government, which, however, takes little notice of their acts. They obtain their offices through intrigue or money and they are left to squeeze the people as far as they dare. The Central Government occasionally sends an edict terminating with the usual formula—"Tremble and obey." If it suits the interests of the Viceroy he obeys; if not, he quietly puts it aside and the Central Government rarely has power to enforce obedience. A man of vigour like Pseng-kwo-fan, however, occasionally establishes a temporary despotism in his viceroyalty, but he dare not proceed beyond certain lengths, owing to the constitution of society in China from the division of the people into "clans" like the Scottish Highlanders. The people of each clan have a common surname, have a community of interest, and when acting together they paralyze the authority of the Provincial Toutai or Prefects, and even at times that of the Viceroys. For years past the power of the Viceroy of Canton has been paralyzed by clannish feuds. The great Taeping rebellion originated in the neighbourhood of Canton with the clan whose surname was "Hung." There has been a chronic hostility between the Hakkas and Puntis of the province of Canton, which successive Viceroys have been helpless to put down. At this moment there is an illustration of this clannish power about thirty miles from Macao. The *Hong Kong Daily Press* of March 23, 1869, says—

> "The outbreak in the south of this province, which for some time has been going on, appears to be assuming alarming proportions. The clan Chiang of over 10,000 men are the belligerents, and are opposed by other combined clans. The Viceroy of Canton, two months ago, sent a force to quell the disturbance but failed."

At Katshan, near Canton, a new tax was laid upon the people some years ago, who rose, drove the Mandarin authorities away, and the Viceroy was obliged to remove the tax. In the *Cockchafer* affair, eighteen villages near Swatow had long been in a turbulent and insubordinate state, and beyond the control of the Toutai, and the reducing them to order and obedience by Commodore Jones' squadron, with considerable loss of life, so far from being offensive to the Central Government no complaint was made of our interference, nor that an appeal for redress had not been previously made to the Central Government which, no doubt, together with the provincial authority, were thankful that we had done that for them which they could not do for themselves. The fortified town of Choo-chi on the Han River near Swatow defied the Toutai or Prefect of Swatow, and plundered boats coming down the river, and fired into the provision boat of Her Majesty's gunboat *Bustard.* Lieutenant Johnstone demanding redress, was candidly told by the Prefect that he had no power over Choo-chi; but if the gunboat would assist him he would try to reduce the place. The assistance was given, but failed, until the arrival of the *Drake*, when the combined operations of the two gunboats succeeded. Choo-chi was taken and found full of plundered property, grain, rice, sugar, &c. &c. This helplessness was not confined to the Toutai of Swatow, but extended to the Toutai of the great provincial city of Chao-chow-foo, who had been equally unable to repress the piratical operations of the people of Sinlao and other villages on the banks of the river Han to the injury of British trade. At Banca, in Formosa, the Mandarin had no power to redress a series of outrages on British subjects of so serious a character that Consul Holt on the 14th of October, 1868, wrote to Sir Rutherford Alcock that—

> "All remonstrances had been in vain; in fact, our very lives are now threatened by people whose recent course of action has been so atrocious as to prove that the will is not wanting to murder us."

In fact Messrs. O'Kerr and Bird were not only robbed but nearly murdered. Mr. Holt attributed these outrages to hostile "clans," which had a monopoly of the camphor trade, and the Mandarin authorities either dared not or could not control them. Mr. Holt sent to Foo-chow for a gunboat—the *Janus*—and the American Consul in the gunboat *Aroostook* also came over. This demonstration alone insured immediate redress, as reported on the 27th October, 1868. The outrages at Tamsui similarly originated in the camphor monopoly, and the Presbyterian missionaries had nothing whatever to do with it. Had the Mandarin authorities possessed the power or the will to give redress for the robbery of Mr. Pickering's camphor and his attempted assassination, and that of Mr. Hardie, the lamentable loss of life that occurred would have been avoided, as was the case at Banca, by Mr. Holt's firmness and tact. Another instance of the impotency of the local authority is exhibited in the case of the Rev. Mr. Wolfe, who had purchased a piece of land for a sanitarium at Sharp Peak Island, near Foo-chow-foo, in January, 1869, with the consent of the authorities of Foo-chow-foo. A native gentleman, however, induced the villagers to drive away Mr. Wolfe's people and seize his building materials; and the presence of the gunboat *Janus* was necessary to insure the treaty rights of Mr. Wolfe, and enforce the authority of the Mandarin at Foo-chow. Even the case of the *Algerine*, Lieutenant Domville, off Namou harbour, testifies to the helplessness of the sea-board authorities, not only to put down piracy, but smuggling. Lieutenant Domville was accompanied by a Mandarin, and entrapped into the belief that he was to attack pirate junks off the harbour, in which he was confirmed by the junks refusing to show their papers and firing upon him, and it was not until he had captured one of them that he found they were supplied with papers from Hong-Kong, and were, in fact, notwithstanding their papers, opium smugglers, which the Mandarin, as a Chinese authority, would have been entitled legally to seize in case he had the power; but neither he nor any Chinese Mandarin along the whole coast of China have the power to enforce the law, as the so-called merchant junks are heavily armed, defy the authorities, and do not scruple, when free from British observation, to exercise their power for piratical purposes. A writer in the North China journals says—

> "But for the British fleet on the coasts of China—if that fleet were withdrawn the Mandarins would be driven by pirates from the seaboard within three months."

In the taking of Ning-po from the Taepings, the Parliamentary Papers say that Captain Roderick Dew availed himself of the services of the pirate fleet under Apak. These instances of helplessness of the seaboard authorities could be greatly multiplied, of which I have numerous records, were I to go farther back in time.

In the case of the outrages upon missionaries, however, I fear the Mandarins, and Literati or expectants for office, and gentry are the instigators of the ruffian mobs. There are not any people on the face of the earth, of any religious persuasion, who are more tolerant than the Buddhists; they are free from all the exclusiveness of caste; they do not attempt to make converts; and their readiness to adopt the religious opinions of Christians is manifested by the hundreds of thousands of Taepings who adopted the Bible and New Testament, and established presses to multiply copies of our sacred books. In Burmah and Ceylon they live in harmony with the missionaries, and the missionaries equally do so in China, where the people are not incited by the authorities against them. The China Mission at Amoy and Swatow have sent to me, for some years past, their Annual Report, and the thirteenth is now in my hand. I learn from it that the earlier persecutions have ceased, and that the Mission, in 1868, had eleven stations, some of them in provincial cities, and that as the missionaries passed through villages from one station to the other the people stopped them to hear the *doctrine*, as they called it. Even in the great provincial city Chin-chow, the seat of the Literati, the chapel, which had been destroyed at their instigation, had been re-built, and not since molested. From the Foo city Chaou-chow, Dr. George Smith writes, on the 20th of March, 1868—

> "I have now been here ten days, and you will be glad to learn in peace and comfort, undisturbed and unmolested. A great change has come over the people here both in their feelings and conduct since I was last in the place. I made two attempts last year to re-visit this city, but on both the acting Consul prevented my coming. This time, that I have come, no obstacle has been thrown in my way by Consul or Mandarins, but I have made this visit just in the same way as going to any other town of the department. Moreover, I have had no police or other officials to escort me, nor any need for them. I have had daily meetings with the people, who have come in groups varying from twenty to eighty, and have behaved quite orderly and respectfully, and, after listening and discussing for a while, have afterwards gone away quietly. On asking them to disperse, when wishing to stop from speaking, they have been quite submissive; hence there has been no pressure of undue excitement, but all has gone on smoothly and pleasantly."

Even in the affair at Yang-chow the hostility against missionaries did not originate with the people, but with the Literati; the authorities, if not encouraging, at least conniving at the outrages upon them. Redress having been obtained by Consul Medhurst, with the aid of the naval authorities, the missionaries have been quietly reinstated in their house, the populace ceasing to manifest hostility, the Mandarins no longer daring to incite them. Sir Rutherford Alcock, in the China Paper, No. 3, says—

> "With respect to the feeling against missionaries in China—it is certainly not actively hostile, unless they are worked upon by interested authorities into believing monstrous stories that the eyes of children are scooped out, converts poisoned, &c., &c. The outrages at Chef-foo and Taiwan and Tamsui in Formosa originated in this manner."

On the 24th of April, 1868, Mr. Jamieson reports from Taiwan that a Roman Catholic and Protestant church had been destroyed about six miles from Taiwan. Mr. Jamieson, appealing for redress, was told by the magistrate that he was helpless; but that everybody believed that poison was given to Chinese to induce them to become converts, and the Consul must investigate the matter. At Chef-foo, the Rev. Mr. Laughter's agent hired a house as a shop, two miles from Afoo, but intended it for a chapel. This fraud was very properly resented, but Mr. Alabaster, on the 9th of May, 1868, induced the villagers to atone. In short, in every instance the hostile action of the people is traceable, not to a spontaneous movement, but to the incitement of interested officials. In respect to foreigners, not missionaries, the published travels in the disturbed province of Szecheun of Mr. Cooper, those of Mr. Ellis to the Yellow River, of Mr. Tarrant from Ningpo to Shanghai, and the testimony of excursionists from the sea ports on shooting parties, and that of the Basil missionaries in the South of China, on every occasion speak of the civility of the villagers. Canton, which in former times prohibited the entrance of foreigners, now locates them in houses in the city; and Consul Robertson has a mansion and park within the walls. I have now fully proved that the difficulties in our relations with China originate not in the hostility of the people, but in the hostility of the central and provincial authorities.

I come now to the commercial aspect of our relations. The foreign trade with China, as detailed in the Report of the Imperial Commissioner of Customs, Mr. Hart, for five years, was as follows—this was sent by Sir Rutherford Alcock, from Pekin, 7th April, 1869, and has become a Parliamentary Paper:—

| Years. | Imports. | Exports. | Total. |
|---|---|---|---|
| 1864 | 51,293,578 | 54,006,509 | 105,300,087 |
| 1865 | 61,844,158 | 60,054,634 | 121,899,792 |
| 1866 | 74,563,674 | 56,161,807 | 130,725,481 |
| 1867 | 69,329,741 | 57,895,713 | 127,225,454 |
| 1868 | 71,121,213 | 69,114,733 | 140,235,945 |
| Total | 328,152,364 | 297,233,396 | |

The above figures represent taels which have a variable English value, according to the rate of exchange, from 6*s.* 2*d.* to 6*s.* 8*d.* I prefer considering the tael at its book value of 6*s.* 8*d.*, or three to the pound sterling. This would make the sterling value of the imports, in 1868, £23,707,071; the exports, £23,038,244; total trade, £46,745,315: the balance for 1868 being in favour of England £668,827, and for the five years of taels 30,910,168, or £10,306,389. Of this great trade the proportion that England alone contributed in 1868 was—England direct, 66,519,679 taels, or 47 per cent; Hong Kong, 24,642,974; and India, 26,362,615; total, 117,525,268, or 83·8 per cent, leaving only 16·2 per cent for all the other foreign nations put together; the next greatest trader to ourselves with China being the Americans, to the total value, in 1868, of 7,416,069 taels, or 5·3 per cent only of the whole trade. The total duties collected by Mr. Hart and his European subordinates of the Imperial Customs, in 1868, was 9,425,656 taels, the foreign portion of which amounted to 8,002,751 taels; and as the British proportion of this 83·8 per cent was 6,706,365 taels, or £2,235,455; and add to this 2½ per cent transit duties, £1,117,727, in 1868, England alone contributed to the Chinese Imperial Exchequer £3,353,782. But this was not the total cost to England for the maintenance of British trade in China. The Estimates of 1869-70 inform the public that the Envoy Extraordinary has £6,000 per annum, and the Secretary of Legation and Chinese Secretary £1,200 per annum. Two second Secretaries £900 per annum; twelve Consuls £12,700; five Vice Consuls £3,350; eleven Interpreters, £6,200; twenty Assistants, £6,900; Student Interpreters and Linguists, £6,100; Temporary Allowances at Shanghai and elsewhere, £2,600. Total for Consular Service, £40,450. Add to this the cost of the Supreme Court for China and Japan—Judge, £3,500 per annum; Deputy Judge, £1,200, and Law Clerks, &c.: total, £7,637; and wages to gaolers, constables, boatmen, &c., for China, Japan, and Siam, the charge for each not being distinguished, £9,100. Legation Guards at Pekin, £977; Consular travelling, £2,500; Rent of Buildings, £8,200; Church Establishment in China, £3,000; Contingencies, £5,000; and the total for China, with two or three small exceptions for Japan and Siam, is £88,764. But a very formidable charge is for buildings and land, the Estimate for which in Class I of the Civil Service Estimates, is £179,382, of which £80,000 has been expended. The mercantile public in China, in Memorials to Sir Rutherford Alcock, on the expected revision of the Treaty of Tien-tsin state that this trade would have been much further developed, had the obligations of the Treaty of Tien-tsin been fulfilled, and they are unanimous in urging, that the right of inland residence and the payment of the transit duty of 2½ per cent be made, not to the central, but to the provincial authorities; to save trade from the payment of double duties as at present. They speak in strong terms of the advantages which would occur not only to China, politically and socially, but to trade. They recommend an extension of the number of the trading ports, and the working of mines. The Treaty of Tien-tsin guarantees the right of inland travel and residence by Articles IX., XII., a guarantee not fulfilled during ten years—and the payment of 2½ per cent in a lump sum to cover all transit charges. Sir Rutherford Alcock doubts whether this was intended to cover provincial duties; but Lord Elgin, in the most express terms, provided that 2½ per cent should cover those duties, as is shown in his despatch to the Foreign Office, dated 12th July, 1858. In compliance with the following Instructions from Lord Clarendon, 20th April, 1857, to Lord Elgin, on inland residence, he says—

> "It would, however, be very desirable, at all events, to obtain an engagement that British merchants should be allowed to purchase, either directly or through their agents, the produce of China at the place of its growth, and that no duties except, perhaps, road tolls, should be payable on such articles on their passage to the coast for embarkation."

To insure these rights, Lord Clarendon further adds—

> "But your Excellency will be careful, in any engagements which you can induce the Chinese Government to accede to, to provide for unrestricted access to the interior of the cities which may be open to our trade. A permission actually to reside within the cities is of no less importance; but the facility of coming and going, and dealing directly with any Chinese trader who may dwell within the city walls, would not only enable the foreign merchant to carry on his trade with more advantage, but would also tend to fa-

> miliarize the natives of China with the persons and habits of foreigners, and thus promote still more extended intercourse with the country."

All these conditions were embodied in Articles IX., XII., and XXVIII., of the Treaty of Tien-tsin, June 26, 1858, and were binding on the Chinese Government, and have never been fulfilled to this day; and it is a mistake to suppose they are capable of revision in any new treaty without our consent—the provisions for revision being confirmed by Article XXVII. Lord Elgin reported having carried out Lord Clarendon's instructions in these words—

> "The principal commercial advantages conceded to British subjects by the Chinese Government in this treaty are the opening to trade of certain ports, among which I would specify that of Newchwang in the North, and those which are opened by it in the Yangtsze river, Formosa, and Hainan, as the most important. Permission to British subjects to travel in the country for purposes of trade under a system of passports, and the settlement of the vexed question of the transit duties.
>
> "This last mentioned subject presented considerable difficulty. As duties of octroi are levied universally in China on native as well as on foreign products, and as canals and roads are kept up at the expense of the Government, it seemed to be unreasonable to require that articles, whether of foreign or native production, by the simple process of passing into the hands of foreigners, should become entitled to the use of canals and roads toll free; and should, moreover, be relieved altogether from charges to which they would be liable if the property of natives.
>
> "On the other hand, experience has taught us the inconvenience of leaving the amount of duties payable under the head of transit duties altogether undetermined. By requiring the rates of transit duty to be published at each port, and by acquiring for the British subject the right to commute the said duties for a payment of 2½ per cent on the value of his goods—or rather, to speak more correctly, for the payment of a specific duty calculated at that rate—I hope that I have provided for the latter as effectual a guarantee against undue exactions on this head, as can be obtained without an entire subversion of the financial system of China."

Plainly, therefore, Lord Elgin was aware of local duties, and contemplated that the 2½ per cent should cover them; anticipating, of course, that it would be paid to the provincial authorities, but instead of this it has been taken as a lump sum at the several ports, and sent to Pekin, and the wants of the provincial authorities have compelled them to exact transit duties a second time, increasing the cost to the consumer and consequent diminution of consumption. These exactions increase the price of tea; in many cases, between the place of production and the export port, 50 per cent. The Chamber of Commerce, in its memorial to Sir Rutherford Alcock, states, that in consequence of the exactions, a bale of goods cannot penetrate 100 miles into the interior; and the exactions on silk treble the amount of the export duty. Consul Winchester writes officially, Shanghai, 7th May, 1868—

> "The local and transit dues collected on tea amount, as far as our experience goes, to fully 50 per cent on the first cost, and it is amusing to see a correspondence being carried on by the Chambers of Commerce as to the propriety of reducing tea export duty by 2½ per cent while these heavy inland charges continue to be levied *ad libitum*. These bring in nothing to the Imperial Treasury."

And he gives instances of the arbitrary local charges, diverting cargoes of tea from the direct line to the ports to avoid them. Consul Hughes, of Kiukiang, confirms this; and adds that, owing to the venality of the Mandarins and violations of treaty stipulations "the foreign merchant is placed at a great disadvantage." The remedy it appears to me is very simple—that is, not to pay the duties in lump sum to the Customs authorities at the ports, but to pay duty at each barrier as the goods progress in the interior: the owner of the merchandize or his agent, according to treaty accompanying his goods. Maps of the barriers exist in every province with their respective tariffs. It is absurd as at present that as much transit duty should be paid for carrying a bale of goods ten miles as for 100. With respect to residence in the interior, travellers can now go into the country furnished with passports from their respective Consuls; but a curious oversight with respect to the idioms of the Chinese language has exposed such travellers to slights from the provincial authorities. In the translation of the English Treaty of Tien-tsin into Chinese, British subjects are designated Min-Jin, which in the Chinese idiom means "plebeian or fellow," or person of no position, instead of Shang-Jin, trading man, Shinsze, gentleman, or simply Jin-a-man. No correction of the terms used in the treaty has been made, and the words are, therefore, adopted in the passes granted, no doubt to the amusement of the provincial authorities; but these passes do not authorize the merchant to reside in the provinces, or accompany his goods, to his personal damage and loss, and to the limitation of British trade. Owing to the misconduct of runaway seamen, who have occasionally got command of lorchas, it has most unjustly been attempted to fix unworthy conduct on the mercantile community, but the records of the British Supreme Court bear testimony to the paucity of cases involving mercantile character.

I have now made good my statements in the opening of my address, that British subjects have been subjected to personal outrage, plunder, and attempted assassination, and that redress has only been obtainedby military demonstrations or military operations. Sir Rutherford Alcock now telegraphs to say that all is tranquil, and the best understanding exists with the Central Government. This tranquillity however, is plainly owing to redress for wrongs having been obtained without the aid of the Central Government. The chief cause being the weakness of Central Government, it remains to be asked, what is the line of conduct to be pursued in our relations with the Central Government of China and provincial authorities for the future? Lord Clarendon dictates this line of conduct in the following despatch to Sir Rutherford Alcock:—

> "Foreign Office, April 26th, 1869.
>
> "Sir,—I have received your despatch dated 5th of February, 1869, respecting the late occurrence at Taiwan in Formosa.
>
> "The instructions which I have addressed to you within the last four months, and as regards Formosa more particularly, my despatch, February 23rd, 1869, will have fully explained to you the views of Her Majesty's Government on the general question raised in this able despatch, and the particular incidents referred to in it.
>
> "You will lose no opportunity of pressing on the Chinese Government, with special reference to my correspondence with Mr. Burlingham—of which copies have been sent to you—that Her Majesty's Government look to it, and it alone, for redress of wrongs of any kind, and under any rircumstances, done to British subjects, and earnestly trust that they will not look in vain. They hold the Government at Pekin alone responsible for the observance of treaties which are contracted with it alone, and they look to it to enforce on the local authorities a full observance of them.
>
> "CLARENDON."

Nothing can be more just or statesmanlike than the principles enunciated in this despatch. It is in thorough accordance with the obligations of International Law. But the intercourse between nations implies a power as well as will to fulfil mutual obligations. Has the Central Government at Pekin that power? We ourselves distrust it by withdrawing British subjects from the control of the judicial courts in China, which we could not do in Europe. But we have painful experience of the inability or want of will of the Central Government to fulfil its engagements. Our Ambassadors—Lord Elgin, Sir Frederick Bruce, and Sir Rutherford Alcock—have equally testified to this. According to Sir Rutherford Alcock, references to Pekin to redress grievances would simply be to "beat the air." On the 5th of June, 1863, Sir Frederick Bruce addressed the following despatch to Prince Kung:—

> "I am greatly dissatisfied with the general disregard of treaty provisions manifested at the ports, contrary to the policy and the custom of the British Government. I, on my own responsibility, authorized the interference of Her Majesty's forces in the Taeping rebellion, thereby averting the destruction of the Imperial authority, and I had hoped some attempt would be made to organize a competent executive; but these expectations have not been realized, and at several of the ports the treaty is daily broken; and the Central Government, if not unwilling, shows itself unable to enforce a better order of things. The orders sent by the Foreign Board are not carried out, either because the local authorities do not stand in awe of the Foreign Board, or because they do not believe that the Board issues them in earnest."

Have matters improved since June, 1863? On the contrary, Sir Rutherford Alcock, in his letter to Lord Stanley, 5th February, 1869, says—

> "Hitherto the course of affairs has been only too truly described by the memoralists from the ports. When any wrong or injustice is suffered by a foreigner for which there is no appeal to a public court of justice, and a written code of laws—if the Chinese local authorities are not moved, as is too often the case, by the Consul's representation, the only resource is a reference to the Minister at Pekin, and then commences an interminable series of references backwards and forwards, a succession of correspondence on both sides between the ports and the capital, and no final solution is ever arrived at. It may safely be affirmed that such is the common experience of all foreign representatives. I am assured there is no one of these who cannot point to numerous cases which have been so treated for a succession of years, despite their best efforts."

But this is not the only expression of opinion of Sir Rutherford Alcock. In a despatch to Consul Medhurst, at Shanghai, of March last, replying to an application of Dr. Macgowan on the subject of railways and telegraphs in China, his Excellency says, writing from Pekin to Her Britannic Majesty's Consul at Shanghai—

> "You may inform Dr. Macgowan that there is no argument in favour of telegraphy referred to in his letter, which has not been repeatedly and earnestly pressed upon the attention of the Ministers of Tsung-li-Yamên; and no objection to it on the part of the Chinese that has not been met in the way he would indicate, by my Colleagues and myself. You may also add, that the desire for progress, which the Chinese Mission, now in Europe, assured Dr. Macgowan's countrymen was so ardent and general with the rulers in China, there is no evidence here. If any hopes are built upon its existence therefore I fear there is nothing but disappointment in store for those who indulge in them. Projectors of telegraphic lines, railroads, and other plans for the sudden development of the resources of this country are but losing their time, while the Government here shows no disposition to entertain their projects. I think it is in the interest of all who are so occupied that they should know the truth, than to be deluded by false hopes, and expectation of changes which are still far in the distance."

These are strong words, and, coming from a diplomatist, whose sources of information are necessarily the best, seem conclusive against the statements made in America and Europe by Mr. Burlingham and the Chinese Mission, that the Chinese Government is anxious to enter into the comity of nations. I should explain that this extract is taken from a reply by Sir Rutherford to an American gentleman much interested in telegraphy, who had addressed him through the British Consul, and his Excellency says—

> "You may tell Dr. Macgowan that of the desire for progress which the Chinese Mission, now in Europe, assured his countrymen was so ardent and general with the rulers of China, there is no evidence here."

Now, in the face of the testimony which I have adduced from our own Ambassadors and our Consuls and merchants of experience in China, is it likely to lead to practical results; or is it safe or even just to British subjects to appeal to the Central Government, or to its provincial officers, over whom it has only a nominal control? In truth, the Central Government is a gorgeous mockery, to be likened to Nebuchadnezzar's golden image, with feet of clay, and it would collapse to-morrow but for the contributions to its Pekin Treasury of more than £3,000,000 sterling annual customs duties; 83·8 per cent of the sum collected being from British trade, including £1,100,000 transit duties, improperly collected at the treaty ports, and, like the customs duties, sent to Pekin. Finally, considering that the present dynasty of Tartars was saved from expulsion by our slaughtering our would-be-friends—the Taepings—considering that, at the expense of the taxpayers of England, we prevent the coasts of China from being under the control of pirate fleets—considering that we contribute to the Pekin Treasury millions sterling annually, we are entitled to the gratitude of the Pekin Government; and we owe it to the interests of British commerce to insist upon the fulfilment of the Articles of the Treaty of Tien-tsin, with respect to inland residence and transit duties. I beg to move for the Papers.

MR. LIDDELL, in seconding the Motion, said, that the question raised by the hon. and gallant Member, involving, as it did, a large and lucrative trade, was of considerable importance at the present moment when our relations with China, as defined by the Treaty of Tien-tsin were about to undergo revision. The Papers moved for could not fail to be interesting, inasmuch as all Chinese correspondence was eminently sensational. A succession of Papers had already been laid before that House, containing details of armed landings, bombardments, military occupations, and other acts of war, which were of a very interesting, although, perhaps, of rather an alarming nature, and it had been very satisfactory after reading them to hear our Foreign Minister in the House of Lords state, in April last, that there was not the slightest cause for anxiety upon the subject, inasmuch as our relations with China had never been on a more satisfactory footing than they were at the present moment. The language and the tone our Foreign Minister had held in condemning the transactions to which he referred deserved the approval and the support of the country; because it was clear that if we desired to continue our present peaceful relations with China we must adopt some new system of diplomacy with regard to that country. He rejoiced to think that a new era was about to commence in our dealings with a community with whom we carried on a gigantic trade. They had had six distinct narratives of transactions, which had occurred in less than nine months, of differences with the local authorities, and in no case except one had they been settled without recourse to arms, and that, too, in a time of peace. He hoped that those who were to perform the task of revising our treaty relations with China would not forget that the existing Treaty of Tien-tsin had been exacted from that country by fear and under the pressure of force, and that, therefore, it was only just that they should not insist too rigorously and absolutely upon all its stipulations. He was satisfied that concessions to Chinese interests, and, perhaps, on some unimportant points, even to Chinese prejudices, would promote the general interests of trade. It had been said that in dealing with Oriental nations it was unwise to make concessions; but he thought that justice could never be misplaced or conciliation mistaken, and if reasonable concessions on our part were accompanied by a firm, a determined, and even perhaps a peremptory demand for the strict fulfilment of treaty stipulations affecting our trade, no misunderstanding would be likely to arise as to our motives. He trusted that they might be able to establish a system which would prevent exactions by the Mandarins, and thus reconcile the governed class to the governing, and at the same time secure to the native trader that freedom which was so important to him and to us. Our peculiar position in China ought not to be forgotten. England was only one among the nations who were struggling for the greatest of prizes—an industrial trade in the interior of China. He was not going to flatter the United States of America, but the United States of America were entitled to our admiration and imitation in their intercourse with China, and they had invariably shown a conciliation, a prudence, and a conception of Chinese feelings which fully entitled them to any authority or influence they undoubtedly possessed over that nation. It was therefore important that we should observe International Law instead of violating those rights by which our policy in China had been marked. America, in consequence of the special protection which her trade received in China, and by virtue of the special treaty she had recently concluded with that Court, was bound, by all obligations of honour, to protect China in the observance of international rights. It was a dangerous thing for England in her transactions with China to violate international rights, and if America proved true to herself, she would maintain her compact with China, and if we wished to avoid awkward relations in that distant part of the world, we should treat China as we treated other nations. Without wishing in any degree to cast blame upon our Consuls or our naval officers in China, the difficulties of whose position he recognized, he condemned that system of diplomacy which always had recourse to force for the redress of any injury done to British subjects in China, instead of making proper application to the Court of Pekin on the matter. He, therefore, highly approved the principles lately laid down by Lord Clarendon for the guidance of our Consuls in China, by which, in future, any resort to force was not to be permitted excepting under circumstances in which life and property were in imminent peril; and our agents were instructed invariably to address remonstrances to the proper quarter—namely, the Central Government in Pekin. On the other hand, Lord Clarendon stated that the observance of treaty rights and a friendly reception to British subjects resident there were to be exacted from China. Those wise precepts would, he trusted, continue to be faithfully enforced by the Foreign Office. In conclusion, the prospect opened out to our trade in China was almost unlimited, and he sincerely hoped that the opportunity now offered us for placing that important trade on a peaceful, and, therefore, a permanent footing, would not be thrown away.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of the Memorial of the Chamber of Commerce at Shanghai to Sir Rutherford Alcock, and his Reply to the Memorial addressed to Consul Medhurst, dated the 23rd day of March last:

And, of all Correspondence of the Foreign Office with Sir Rutherford Alcock on the subject of the renewal of the Treaty of Tien-tsin."—(*Colonel Sykes.*)

SIR CHARLES W. DILKE said, the Chinese Government had never admitted that it was responsible for outrages committed in Formosa in as high a degree as for those committed elsewhere; nor, indeed, was it really any more responsible for them than we were for the outrages perpetrated by the Maories in the north island of New Zealand. In regard to the revision of the Treaty of Tien-tsin, the two main points insisted upon by the Chinese Chambers of Commerce in the treaty ports were, residence in the interior of China, and the affirmation of the transit duties clause. There were difficulties involved in the question of the transit dues, as Lord Elgin, writing to Lord Clarendon, after the treaty was made, himself recognized. Those duties were imposed on the goods of both natives and foreigners; and, it should be remembered, that the roads and canals in China were kept up by the Government. But it had not been shown that the transit dues clause had been generally, or even in any case, broken. The Chinese authorities had always drawn a distinction between transit dues and special taxes levied at certain places after the goods reached those places. As to the other point, of residence in the interior, the matter was by no means so clear as his hon. and gallant Friend (Colonel Sykes) would make it. He had stated before, and would venture to repeat now, that the right of residence was not asserted in any treaty; and Lord Russell, in a despatch on the subject, used these words—"that the specification of the right to reside in the treaty ports implied the exclusion of the right of residence in other towns." He would not go into the question that certain persons resided in various parts of the interior, because the Chinese themselves drew a distinction between residence as a matter of privilege and as a matter of right. The London Missionary Society had laid it down that their missionaries should never claim residence in the interior as a right, but ask it as a favour. It would not be wise for Her Majesty's Government to demand this right for the future, for it would imply that "extra territoriality" should be given up, and agents should be placed in every town throughout that vast Empire. The Chinese had conceded the dues; they had stated their readiness not only to revive the tariff, but to provide bonded warehouses, to make the draw-backs payable in ready money, to open new ports, to put forth a proclamation enforcing the transit clauses, and that the right of lodging shall be conceded to all foreigners passing through the country with passports, which was a very important point. In short, the Chinese were prepared to grant everything consistent with the safety of their country, and Sir Rutherford Alcock had said that everything had been granted which could be granted at the moment, and that it would be worse than a waste of time to postpone the revision of the treaty, for all was obtained that we could with justice hope to gain.

MR. OTWAY said, that his hon. and gallant Friend (Colonel Sykes) had suggested a policy to be followed in our treaties with the Chinese Government from which he must express his entire dissent. His hon. and gallant Friend assumed throughout that it was necessary to deal with the Chinese Government and nation in an exceptional manner in consequence of the weakness of what he termed the Central Government. But let the hon. and gallant Gentleman consider the position of that Government and of the Chinese nation. Within the last thirty years the Chinese Government had to sustain three great wars. Two foreign armies had landed in China and marched to Pekin, and the palace of the Emperor had been sacked. The country had, in consequence, been more or less in a disturbed state. Was it to be wondered at, under these circumstances, that the Government should not possess all the power and concentration that was to be desired, and that its authority was not obeyed like one that had not undergone such vicissitudes? What was the policy recommended by his hon. and gallant Friend? Not to strengthen the Government in any way, but to proceed, on all occasions whenever there was any real or supposed wrong done to a British subject, to take the law into our own hands and delegate the operations necessary to recover compensation, or to enforce what we considered a right, to the naval and military officers stationed in that country. Was that a wise or a just policy? Why it was our interest to strengthen in every way the Central Government, and on that point he had heard with pleasure the remarks of the hon. Gentleman opposite (Mr. Liddell) with regard to the views of the Secretary of State for Foreign Affairs. Lord Clarendon had always, so far as he was informed, maintained the same policy, and it was only that very day, in looking over a file of China Papers, that he came upon a very curious fact which illustrated the views entertained by Lord Clarendon some fifteen or twenty years ago. He would not read the case to which he referred, because the opinion of the then Law Officers of the Crown, the present Lord Chief Justice Cockburn and Lord Westbury, would illustrate what those views were. Having been consulted with reference to the opinions of a gentleman who filled the office of Acting Attorney General of Hong Kong, they said—

> "We do not agree in the conclusion of the Acting Attorney General that the Chinese are to be considered as beyond the pale of civilized nations."

It was because Lord Clarendon did not agree with the opinion of the Acting Attorney General of Hong Kong, that the Chinese were to be considered as beyond the pale of civilized nations, that the case to which he (Mr. Otway) referred came to be submitted to the Law Officers of the Crown in England. If our conduct was not to be regulated by customs which governed our relations with civilized nations, it was impossible for our dealings with China to continue on a satisfactory footing. Reference had been made to our trade with China, which, by the Board of Trade Returns, appeared to amount to some £40,000,000 per annum. What would interfere with that trade? Anything like warlike operations would do so, and his hon. and gallant Friend advocated a policy which must lead sooner or later to war. That gunboat policy must, however, some day cease. The Chinese nation in course of time would possess gunboats of its own—in fact, they were now manufacturing and purchasing them—and did his hon. and gallant Friend think that his policy could be successful in the face of a nation so numerous, when that nation possessed the means of self-defence? The hon and. gallant Gentleman had forgotten to allude to the fact that there were four or five other European nations possessing treaty rights with China, and in our arrangements for the revision of the treaty we must consider not only how we ourselves would act, but what might be the possible action of those other powers? If England demanded that her citizens should have power to reside under exceptional circumstances, in China, with ex-territorial rights, all the other nations having treaty rights would demand the same thing, and they would have inextricable confusion, tending to the disorganization of the Empire. He was aware that his hon. and gallant Friend, who was in the habit of speaking of "his friends the Taepings," wished to see the Empire disorganized; but that was not the view taken by Her Majesty's Government and by those interested in the Chinese trade. There was no hesitation on the part of the Chinese Government to allow missionaries or any other men to reside in China, if they would conform to Chinese laws and customs; but what nation would concede claims put forward which no one in this country acquainted with China attempted to justify but the hon. and gallant Member? The hon. and gallant Gentleman had alluded to the uncomplimentary term of "Min-Jin" or "fellow" applied to Englishmen on their passports when travelling in the country, but really he did not attach any importance to that. He read that day an interesting journal by Mr. Alabaster, who had travelled hundreds of miles into the interior of China, in which he stated that wherever he went, although never molested, he was sometimes called, "His Excellency the Devil." Such things must be expected in a nation as strange and as exclusive in character as the Chinese. Two important points, however, had been raised with reference to the Treaty of Tien-tsin—internal residence and transit duties. He (Mr. Otway) was prepared to allow that it was originally intended that goods should be allowed to penetrate into the interior of China with no further charge than that of the 2½ per cent *ad valorem* duty; but the Chinese authorities were compelled to make a change in consequence of the discovery that Chinese traders were fraudulently obtaining certificates from English merchants, and were by such means carrying on operations to the prejudice of their own countrymen. No doubt these matters were the subject of very serious consideration. When the time arrived last year for the Government to write and claim a revision of the treaty, they had first of all made themselves acquainted with the opinions of the mercantile classes in England, of Mr. Burlinghame, the gentleman who now represented China in Europe, and of some high English officials in the East. All these opinions concurred in recommending that every reform introduced by European nations into a vast Empire like that of China must be of a very gradual kind, because it was obviously necessary for the Chinese to comprehend the advantages of such appliances as the telegraph and steam before they could be induced to adopt them. Nor should it be forgotten that with regard to railroads they were of less importance in China than in any other country, because the water communication there was the most vast and perfect in the world, and it was no light matter suddenly to deprive the many thousands of persons of the means of living which they gained by it. Another reason for deprecating haste was that the Chinese Government was at present in a state of transition. The young Emperor would in four years' time attain his majority, the same period determined the treaties with European Powers, and the wiser course would be to wait until the new order of things was established before steps were taken to secure any extension or alteration of treaty rights. In the meantime our relations with that country were gradually improving. There had been, and there always would be, outrages of the character referred to; and such outrages did not occur in China alone; it might happen even to hon. Members to be stopped or robbed before reaching their homes when they left that House. The matter had been fully considered by Lord Clarendon, and Her Majesty's Government had determined upon adopting the policy which had been already enunciated in the House. That policy was, in all cases in which British subjects were wronged, to look to the Central Government for redress, to make that Government responsible, and to abstain altogether from those acts which would relieve the Central Government of responsibility, and throw it upon the minor officials in the provinces. There was every desire on the part of Her Majesty's Government to consult the wishes of the mercantile community in China and at home; but the Government were satisfied that the best course was to make demands gradually, and to wait for the expiration of the treaties with the other Powers, and the majority of the Emperor, when, perhaps, we might be able to give a greater development to trade. There was no objection to produce the Papers asked for; in fact, they had already appeared in the *Shanghai Gazette*, but those referring to negotiations that were in progress could not be given.

Motion, by leave, *withdrawn.*

## HOUSE TAX.—RESOLUTION.

MR. ALDERMAN W. LAWRENCE said, that in bringing forward his Motion for a repeal of the tax on inhabited houses at that late hour, he would not detain the House with any lengthened remarks, but he wished to show its mischievous effects. He undertook to show that it limited small houses in the size and number of their rooms; that it interfered with the erection of and restricted the mode and manner of construction of blocks of buildings which were specially designed for the working classes; and that it caused great waste of habitable dwelling accommodation and an increase of police surveillance and expense. Large merchants, manufacturers, and warehousemen almost wholly escaped having it levied on their business premises, while it was levied on the premises of those in a smaller way of business and of professional men. The tax pressed most heavily upon the poorest of the population in our large towns, and most lightly upon the rich and wealthy, decreasing in force as income increased. The history of the house tax was somewhat singular; in 1802 the house tax and the window duty were considerably increased, and most minute regulations and restrictions were enacted. These taxes were constantly attacked, and an agitation for their repeal was carried on for many years, until, in 1834, the house tax was unconditionally repealed, and all the restrictions connected with it abolished. The agitation for the repeal of the window duty was continued and increased in force every year, and when, in 1851, there being a considerable surplus in the Revenue, the Chancellor of the Exchequer (Sir Charles Wood) brought forward the Budget, and instead of making a clean sweep of the window duty proposed to reduce it and place it on a most objectionable footing, the dissatisfaction was so great that he was compelled to withdraw his Budget and bring forward another, in which he abolished the window duty but re-imposed the house tax at a lesser rate than the old tax and revived all the injurious regulations and restrictions of 1802. In the metropolis great care was taken to avoid building houses of £20 annual value; to keep them below that value the builder refrained from putting a room over the washhouse, and from building rooms so large as he otherwise might, although the extra accommodation would be greatly appreciated by the working classes, who would gladly pay a small additional rent for it. But that additional rent would render the house liable to the charge of 15*s.* a year, and, therefore, improvement in houses stopped at a certain point below £20, until the higher annual value of about £30 was reached. Then with regard to blocks of buildings, the blocks built by Miss Burdett Coutts; by the Peabody trustees, and by several joint stock companies established for providing improved dwellings for the working classes and others, were so constructed as to be liable to the house tax of 9*d.* in the pound per annum. In the buildings which had been erected by Sir Sydney Waterlow, the tax had been avoided by building the houses without a front door, and having an open staircase. But the increase of such open staircases would require extra police watching; and, though he believed Colonel Henderson had been asked whether these staircases, in some instances, might form a portion of the policemen's beats, he doubted whether the adoption of such a plan would be advisable. The tax, too, involved a great waste of habitable dwelling, because in many cases the upper rooms over offices and warehouses which are now vacant would be inhabited but for the fact that such occupation would involve the exaction of this tax. In one instance a Member of that House had permitted one of his old servants to occupy the upper rooms of his warehouse in one of the northern cities free of rent, but upon being charged £37 10*s.* per annum for this duty, being 9*d.* in the pound on a rental of £1,000 a year, he was obliged to withdraw the permission he had granted. The large merchants had their goods stored in the dock warehouses, and these did not come under the charge for house duty; the large manufacturers, brewers, builders and distillers had managers living in houses adjoining their premises, which premises were free from house duty. Now, what was the case with respect to the small manufacturers, watch makers, jewellers, cabinet makers, and others who used part of their houses for business purposes or had workshops attached to them? Many who lived in Clerkenwell and other parts of the metropolis and elsewhere, had to pay the 9*d.* duty, not only for the rooms in which they lived, but for the whole of their premises. The tax also pressed unduly upon professional men—such as surgeons, schoolmasters, and artists, who used their houses for professional purposes. But, above all, the most severe pressure was felt by the poorer classes of the population. There were large old houses let out in rooms at rents of from 2*s.* 6*d.* to 1*s.* 6*d.* a week. These houses were liable to pay the tax of 9*d.*, whilst large blocks of new buildings, like those of Sir Sydney Waterlow, were free from the tax. If the tax were regarded as a superior kind of income tax it would be found that it failed, because its pressure decreased in proportion to the largeness of a man's income. It was, moreover, not only unjust and unequal, but it stood in the way of the improvement of the dwellings of the working classes. This was the more important because if they desired that the working classes should have better lodging, they must lighten the taxation upon it, as they had done in the case of the food and clothing of the poor. When the great number of charges already existing upon this kind of property were considered, it would, he thought, be acknowledged that the first opportunity ought to be taken to secure the remission of this tax, because it was based upon principles now out of date, and because it was the result of a compromise assented to for the purpose of getting rid of the window tax. He might quote the opinions of many eminent men in favour of the object of his Motion. He would content himself with citing one. On the question of the repeal of the window duties and the imposition of the house tax, in 1851, the present Prime Minister said—

> "He objected to it because it was the re-introduction, without the slightest qualification, of those great anomalies in the imposition of the tax which, he would venture to say, were the sole cause of its abolition in 1834. He alluded to the inequality of its incidence upon the mansions of the great as compared with mansions of a medium character—with houses for the middle classes and houses used for the purposes of business. He had not heard this objection maintained on the present occasion on the principle, he supposed that people did not like to look a gift horse in the mouth, because the right hon. Gentleman (Sir Charles Wood) though proposing a house tax proposed at the same time to remove the window tax and the objections to the former imposts were therefore

allowed to pass in silence. But he for one could not regard the house tax as resting on a secure foundation which re-introduced those very objectionable features which had once before been the cause of the abolition of the tax.—[3 *Hansard*, cxvii. 1447.]

He thought he need say nothing more to show that the tax ought to undergo revision and be abolished at the very first opportunity. The hon. Gentleman concluded by moving his Resolution.

MR. CRAWFORD seconded the Motion.

Motion made, and Question proposed,

"That the House Tax ought to be abolished because it imposes injurious and unnecessary restrictions upon the erection of dwellings for the Working Classes, and because the Tax presses very unequally upon different classes of the community, and falls most heavily upon persons of moderate income."—(*Mr. Alderman Lawrence.*)

THE CHANCELLOR OF THE EXCHEQUER said, he could not acquiesce in the general scope of the advice given to the House by the hon. Gentleman, whose arguments were chiefly founded on the devices employed for the evasion of this tax. The question was not what mischief might be done by evading the tax, but whether the tax might be imposed fairly, properly, and equitably. It was not fair to charge the tax with all the tricks that might be resorted to in order to evade it. The arguments of the hon. Gentleman were not so much against the tax itself as against the evading of the tax. The tax only fell upon houses of £20 a year, and it was 9*d.* in the pound in the case of an inhabited house, and 6*d.* in the case of a shop. There was a partial exemption in the case of shops, and an entire exemption in the case of houses under the value of £20 a year. It was inevitable that such an arrangement should have its effect on architecture, and lead to the building of houses of the stunted appearance referred to by his hon. Friend, but that was an argument against the exemption of houses under £20 a year rather than one against the tax. The hon. Gentleman had alluded to Sir Sydney Waterlow and his company having evaded the tax by having no front door, and putting up an open staircase. Again, that was an argument not against the tax, but against the ingenuity of those who evaded it; and though, perhaps, the hon. Gentleman would not go this length, he thought a legitimate inference from his speech was that the Government ought to consider whether it would not be well to abolish the exemptions. His hon. Friend was, perhaps, right in complaining that this tax did not bear the same proportion to the value of the house as the window tax had done, because, with all its faults, the latter did fall most heavily on sumptuous mansions; but that would be an argument for such a change as would increase the rate of taxation in proportion to the size and style of the house. Those two points his hon. Friend had succeeded in establishing, but that they were arguments against the tax he could not admit. Mr. M'Culloch, in speaking on this subject, said that taxes laid on houses in proportion to the rent paid for them would be pretty nearly in proportion to the ability of the person to pay those taxes, and Mr. Mill said that a house tax justly proportionate to the value of the house, was one of the fairest of all taxes. To say that there were objections to this tax was only to say it was a tax. In law, when a plea in abatement was objected to, the person objecting was expected to suggest a better plea. If the hon. Gentleman wanted him to take off a tax that yielded £1,000,000, he ought to suggest a mode of raising that amount by less objectionable means. He must observe that he did not think it would be wise to have all our taxes too uniform. He was afraid that in the desire for simplicity, which more or less beset all Chancellors of the Exchequer, they were rather too apt, to use a vulgar proverb, to put their eggs into too few baskets, and therefore he thought the fact of the house tax being a diversity in our taxation was something in its favour. Another ground on which this tax might be advocated was that, as a rule, though not always, it ultimately fell on the proprietor. It might be said that if this were so the proprietor would levy it in his rent. As persons must inhabit houses, the demand for them could not be contracted; but the proprietor who did not want to let his houses stand empty, must submit to accept such rents for them as were fixed by general competition. This tax was not very large, very heavy, or very severely felt. He thought, therefore, it would be a pity to do away with it, particularly as we could not abandon the idea of in some way taxing such property for Imperial purposes. Under these circumstances, he hoped the House would not agree to the Resolution of his hon. Friend.

MR. ALDERMAN W. LAWRENCE said, it would be difficult to convince the people of the metropolis, and the other large towns of the kingdom, that the rate fell upon the owners, and not upon the occupiers, and it must not be forgotten that there was a large increase of population, which, by requiring more house accommodation, prevented the lowering of the rents in the manner suggested by the right hon. Gentleman. With regard to the high authorities quoted in favour of a house tax, they had most carefully guarded their approval by a proviso that the tax must be fairly, equitably, and justly assessed. The present house tax was unfairly, unequally, and unjustly levied, and it fell upon a class of people upon whom it was never intended to fall. As to the suggestion that something better should be pointed out to the Chancellor of the Exchequer in place of the house tax, he begged to remind the right hon. Gentleman that the country was looking forward to a large surplus next year, and the abolition of this tax would be regarded as a fair appropriation of a portion of that surplus.

Motion, by leave, *withdrawn.*

## CATTLE PLAGUE (CHESHIRE).

### RESOLUTION.

EARL GROSVENOR, in rising to move—

> "That, in the opinion of this House, the distress occasioned by the Cattle Plague to the Ratepayers of the county of Chester entitles them to the favourable consideration of Her Majesty's Government, with a view to some remission of the heavy debt incurred for the amount of compensation"—

said, that he would have to go back as far as the year 1865. There could be no doubt that it was the duty of the Government to endeavour to stamp out the disease the moment it was found to exist in the metropolis, and had the Government of the day only done its duty, the disease would never have reached the county of Cheshire. Owing to the course pursued by the Government, however, the disease did reach that county, and before the passing of the Act, in 1866, no less than 38,000 head of cattle had been slaughtered under the authority of the Privy Council, for which no compensation had been made, the owners not even being permitted to realize the £2 per head, which was the value of the hides, horns, and hoofs, while they were obliged to bury the carcasses six feet below the ground, which was a very difficult and expensive matter in Cheshire, where the soil was a stiff clay. He might mention that during the debate upon the Act of 1866 the right hon. Gentleman the present President of the Poor Law Board expressed an opinion that hunting ought to be put a stop to, as being calculated to spread the disease. In Cheshire, however, they had not the heart to hunt, and therefore there was no necessity for putting a stop to it in that county. Since the passing of the Act of 1866, the county had borrowed the sum of £270,000 from the Public Works Loan Commissioners at 3¼ per cent interest, to be re-paid by instalments spread over thirty years. £14,000 would be due in November of the present year, £28,000 was payable next year, £28,000 in the following year, and £14,000 per annum for the following twenty-five years. Besides that a sum of £30,000 had been raised by public subscription to relieve those who had suffered by the slaughter of the 38,000 head of cattle before the passing of the Act, £25,000 of which was subscribed by the inhabitants of the county, and principally by those landlords who had suffered so severely by the loss of their cattle. Deputations from the county had waited upon Members of the last and the present Government, and they had invariably been met with expressions of sympathy; but he asked from the House on that occasion not only sympathy, but consideration. The case of Cheshire was this—their cattle had been killed, not for the good of that county merely, but for the good of the country at large, and therefore the loss thereby sustained should be borne by the nation generally, and not left to rest upon the inhabitants of that unfortunate county solely. On the Motion for the first reading of the Act of 1866, the right hon. Gentleman the Member for Morpeth, the then Home Secretary (Sir George Grey) said that—

> "The principle on which his (Mr. Banks Stanhope's) proposal was founded, I believe, is perfectly sound—namely, that the losses occasioned by the slaughter of diseased animals, and the expenses requisite for carrying into effect the provisions of the law for checking the disease, ought to be borne, to a certain extent, by the

whole community, because the whole consuming and producing population are interested in checking the disease ; but that a special burden may be fairly thrown upon those on whom the loss primarily and immediately falls. He proposed, therefore—and in principle it is what we recommend—that in counties the county rate should furnish part of the fund out of which the compensation should come, and in boroughs, the borough rate ; that the proportion in which the burden should fall on these funds should be two-thirds, and that the remaining one-third should be borne by the cattle owners."—[3 *Hansard*, clxxxi., 379.]

In the course of the debate on the second reading the right hon. Gentleman the present Chancellor of the Exchequer said—

> "The object of this Bill is not to compensate for what persons have lost, but for what they have lost by the direct agency of the Government, in taking possession of and destroying their property for the public good, and for the public good alone. Is that a new principle ? If it is necessary to destroy houses to fortify a town, or to destroy any other property for a public purpose, there is no civilized Government in the world that does not compensate the person whose property is taken."—[*Ibid.* 484.]

Again—

> "In my opinion, it is out of the funds of the entire country that compensation ought to come." —[*Ibid.* 485,]

He was perfectly aware that the right hon. Gentleman was not in Office when he made those observations, but he thought he might claim the support of the right hon. Baronet and of the right hon. Gentleman for the Motion he was about to make. He would quote a few figures to show that the case of Cheshire was an exceptional one. It appeared from a Parliamentary Return of June, 1869, that the total amount of compensation for loss of cattle slaughtered and expenses incurred in England and Wales, was £830,363, of which Cheshire had paid 32 per cent, or £266,502. The same Return showed that, after excepting the counties of Cheshire and Cumberland—which latter county had borrowed £26,900, and had levied a cattle rate of 6*d.* in the pound—fourteen counties had paid no compensation whatever, sixteen had paid less than 1*d.* in the pound, eight less than 1½*d.*, five less than 4*d.*, two less than 6*d.*, five less than 7½*d.*, and Lincoln and parts of Lindsay 9½*d.* He thought these figures worthy of the consideration of that House. The annual return of the burden that this county would have to bear would be felt as a great grievance by the consumers of beef, butter, and milk, and principally by the poorer inhabitants of the boroughs. A Petition he held in his hand from the borough of Congleton, in the county of Chester, stated that the factory operatives in that town would suffer very severely by that tax. They did not ask for the remission of the whole burden which had been cast upon them, but thought they had some title to a remission of part of it. The noble Earl concluded by moving his Resolution.

MR. E. C. EGERTON, in seconding the Motion, said, this was an exceptional case, which required an exceptional remedy. Cheshire had suffered more from the cattle plague than any other county in the kingdom. No county was now liable to pay more than 9*d.* in the pound ; but the rate, if levied in Cheshire, would be 3*s.* They did not ask for sympathy, but the House of Commons had committed an injustice ; the cattle in this case had been slaughtered for the public good, and he thought it was only fair that something should be done for the rate-payers of Cheshire.

Motion made, and Question proposed,

> "That, in the opinion of this House, the distress occasioned by the Cattle Plague to the Ratepayers of the county of Chester entitles them to the favourable consideration of Her Majesty's Government, with a view to some remission of the heavy debt incurred for the amount of compensation."—(*Earl Grosvenor.*)

MR. CARNEGIE said, that representing a county which had suffered more severely even than Cheshire in proportion to the number of its cattle, and having himself been a great sufferer, he felt much sympathy with Cheshire, but he could not support this Motion. He had proposed what he still thought would have been the fairest plan—namely, that the compensation should be thrown in the first instance on the Consolidated Fund, and that the Government should recoup itself by levying a rate on cattle over the whole country, his theory being that the owners of cattle in the distant parts gained more by the suppression of disease than those districts where the rinderpest was raging, However, Parliament had decided that those who lost most should pay most. If this Resolution were carried, he should ask, on behalf of Forfarshire—and other Members would, no doubt, ask on behalf of other parts of the country—that Parliament should give compensation for all the losses which had occurred there. But such a proposal would never be carried, and, therefore, he could not see his way to allow part of the burden of Cheshire to fall upon his constituents in addition to their losses.

MR. J. TOLLEMACHE said, the people of Cheshire did not, as the hon. Member said, ask to be compensated for all the losses they had sustained. They were quite ready to bear the full extent of the loss which had been borne by any other county. They did not object to bear a 9*d.* rate. But Cheshire had lost from 70,000 to 80,000 cattle, valued at £800,000, and inasmuch as the House had declared that no county should sustain a loss of more than 9*d.*, that rule should extend to Cheshire. The Act of 1866 was passed a great deal too late for Cheshire. The cattle there were doomed when the Act came into operation, and no benefit arose to the county from it. Under these circumstance, he hoped that the House would do justice to Cheshire, and not allow such an enormous burden to fall upon that county.

MR. HENLEY said, he could quite understand that many persons might feel this to be a very exceptional Motion. At the same time, this was a very exceptional case. A great calamity fell upon the country, and a larger share was borne by one particular part of the country than by any other. Was the Government of the day wholly free from blame in the matter?—because that was a consideration which weighed on his mind in deciding this question. The cattle plague was known to be coming here in the middle of the year. The Government of the day were pressed to act, or to call Parliament together if they did not choose to take upon themselves the responsibility of acting. The experience of a similar outbreak a hundred years back told them that there was only one thing to be done—namely, to kill. They commenced acting with a feeble hand, and with a still feebler mind had scarcely commenced acting before they withdrew the Orders which would have stamped out the disease and prevented much of the loss which fell upon the country. If ever, then, there was a case in which the Government might depart from the strict rules which ought to guide them generally, this was such a case. If in the early part of the autumn the Government had put in force, or called on Parliament to put in force, the measures which were enacted in February, no one could doubt that this calamity, serious as it would have been, would not have fallen anything like so heavily upon this unfortunate county. He therefore thought that the Motion was entitled to favourable consideration, and that the Government would do well to act on the side of kindness, instead of standing upon strict rules.

THE CHANCELLOR OF THE EXCHEQUER said, he regretted the calamity which had fallen upon the people of Cheshire, and if it were possible to benefit them by a mere remission—that is, by letting them off from some burden without putting it on other people's shoulders, he should be glad to do so. But he must beg the House to consider seriously not only the particular case, but the very large, important, and far-reaching principle which the case involved, and which it would for the first time establish. This was a matter not to be discussed in a spirit of anything but the calmest, coolest reason and reflection. By indulging compassion the House might be doing great mischief, unless they examined the principle on which they acted, and were prepared to defend it, not upon the ground of an exceptional case, but of constitutional principle and precedent. The Motion itself was an evasion of Parliamentary practice. It was the rule of the House that private Members should not propose to increase the burdens of the people; but it seemed that this could be done indirectly in the form adopted by the noble Earl—that of a general Resolution expressing a wish that the Government should increase them. This itself was a very serious step, because it was a direct infraction of the rule which alone was a protection of the public purse in this country—namely, that increased expenditure should only be proposed to the House by those Departments which were responsible for expenditure. The first evasion of principle which the noble Earl invited the House to make was to coerce the Government, in whom the Constitution placed the control of the expenditure of the country, to incur an expenditure which they were not of themselves willing to incur. The proposition presented itself in the most objectionable form conceivable. The county of Chester had borrowed from Government about £260,000, of which it had paid neither principal nor interest; but in November next the first instalment was to be paid, and now the persons who had borrowed the money asked the House to put a stress on the Government in order that they might be relieved from the obligation they had deliberately incurred. That was a transaction which could not be justified in private life, and in respect to public life he asked anyone to point out a single precedent for it in the annals of Parliament. [An hon. MEMBER: Ireland!] Well, he asked, was there any precedent in respect to Ireland, of that House by a vote forcing the Government to remit a loan? but even if such a precedent could be adduced he denied that a precedent with respect to Ireland was binding on them. Everybody knew that numerous things were done for Ireland which no persons dreamt of asking for themselves. In this country the police were partly paid out of the Consolidated Fund; but in Ireland the whole of the expense of the police was paid out of the Consolidated Fund, because it was an Irish affair. But what he wanted was a precedent of the House of Commons forcing, after deliberate debate, the Government to remit a loan to Ireland which the Irish Members and people had deliberately contracted. It was, then, a perilous proceeding to wrest the control of the expenditure from those who were responsible for it, and to transfer it to those who were not responsible; and he had a right to demand some precedent to be produced before they departed from the ways of their forefathers. How was it that Cheshire borrowed the money in question? In 1866, different plans were suggested to compensate those whose cattle were killed on account of the plague, and the plan adopted happened to be the one which he had advocated. The noble Earl had read a portion of a speech of his, in which he expressed an opinion that in the abstract this burden should fall on the Consolidated Fund; but he went on to say that though that might be abstractedly the merit of the case, yet it would be too dangerous to make compensations out of the general funds of the country, as such a course would take away all motives in the different localities for the inhabitants to do everything in their power to abolish the disease. He at that time added that he thought that such were the overpowering advantages of giving to localities every inducement to use their utmost exertions to put down the disease, that the expense ought to be paid by certain circumscribed districts. The House adopted his view, and it was under the Act of Parliament which was then passed that this money was borrowed and spent, and before they could take the burden off Cheshire and spread it over other counties, which had also greatly suffered, they must repeal that Act of Parliament, and pass a fresh Act. That was a serious course of proceeding, for which he was entitled to ask for a precedent. The Members for Cheshire and the people of that county had been willing to borrow £260,000 under the law, and that law ought to be maintained until the money was returned. If it was not maintained a most fatal blow would be struck at a system which was found most useful in enabling assistance to be afforded by the Government to individuals. The proper way of looking at this matter was not as a remission but as a grant. If the House would not have voted a grant, it would, under the name of a remission, be doing the same thing, and much worse, because the money was borrowed from Government under the understanding that it was to be re-paid; and when the first instalment was about to become due, then a pressure was put on the Government and Parliament to cancel the debt. The right hon. Member for Oxfordshire (Mr. Henley) spoke of this as being an exceptional case and constituting an extraordinary burden; but the question was, were the resources of Cheshire so bad as not to be able to meet the burden. The rateable income of Cheshire was £2,295,000, and the amount of the debt was £266,502, or about 11 per cent on the rateable income. Nothing had yet been demanded in re-payment, but in one or two years £28,000 would have to be re-paid, and £14,000 a year for a limited time after that period. He was sorry that Cheshire should have to bear such a burden, but it did not appear to be so great that, in order to get rid of it, much valuable principles and good faith should be trampled under foot, and that an attempt should be made to impose the burden in defiance of the Act of Parliament, on other people. He did not wish to reproach the unfortunate when things in Cheshire made it very subject to cattle disease, and it was likely never to escape. But when they were asked to put this burden on a portion of the people at large, particularly on those who had already suffered heavily from the cattle disease, he must be allowed to read a few lines from the Report of an Inspector under the Cattle Plague Department of the Privy Council. The date of the Report was February 9, 1866, after the disease had been in Cheshire about four months. The Inspector stated that he had visited the undermentioned places in the vicinity of Chester, Upton, Whitby, Pulford, Nantwich, Poole, and other places, and his attention was directed to several instances of positive nuisance arising from dead carcasses. In all cases he had ascertained that the Order in Council relating to disinfection and burial had not been carried out. In some instances, a want of ordinary care and caution had been manifested in the burial of carcasses in porous soil, and near the source of water supplies. Disinfectants were rarely applied to carcasses or manure, and healthy animals were commonly herded with the sick and dying. So far as his observation extended, a lamentable apathy appeared to prevail among the owners of stock. Not only were the Orders in Council ignored, but ordinary precautions which common sense would dictate were neglected. In the face of these difficulties the police, under the orders of the chief constable, had exerted themselves with praiseworthy activity. Under these circumstances, the Inspector added, he had addressed a communication to the chief constable, directing attention to the facts, and suggesting remedies for the existing evils. When they were called to make an order cancelling this debt at the request of those who had deliberately incurred it, he thought they ought to have some answer or explanation to such a statement as that. The object of the Act was to make those persons in the immediate neighbourhood of the disease anxious and eager in checking it, and the effect of the present Motion would be necessarily to frustrate the whole Act, which would then become a dead letter. They were asked virtually to break down the rules which regulated the expenditure of the public money. They were next asked to bring the power of the House of Commons to bear on the Government to induce them to cancel a portion of debt which had been deliberately incurred. They were also asked to repeal the Act which imposed the charge, and cast it on the shoulders of persons who had not had the opportunity which Cheshire had to some extent neglected of checking the disease. In conclusion he would say the words he had formerly used on this subject were that—

> "It is absolutely necessary that the money which we expend should be most carefully expended—more carefully than any other, because it may become a double prodigality. If people are careless and remiss, they will first of all slaughter cattle which ought not to be slaughtered, and then pay for them. Therefore, you require a check upon them, and what check so good as that those who order the slaughter should feel that they themselves will have to pay for it."—[3 *Hansard*, clxxxi. 620.]

That statement was made on the 16th of February, 1866. He was very sorry to have so invidious a duty to perform. It was very desirable not to be wanting in sympathy, but it was still more desirable to maintain the great constitutional principles on which that House had always acted.

Mr. W. EGERTON said, the people of Cheshire considered that in this matter they laboured under a grievance and an injustice which was not the less felt because the county was wealthy. They had been told that the Act had not been properly carried out; but the only proof of that was an extract from an Inspector's Report, dated before the Act was in operation. The loan was forced upon Chester in 1866, in order to keep faith with those whose cattle were slaughtered under the Act. The distress of the county was so great that it was impossible at that time to levy a rate. It was an injustice to have to pay what they ought to pay whether the county was rich or poor. It was a great hardship to call on the towns to levy the rate for the repayment of the loan. Many cattle were carelessly slaughtered and buried; but that arose from the great loss, with the limited number of men on the farms to put the Act into operation to prevent the spread of the disease. The Act was passed so hurriedly that the rate-payers of Cheshire had no power of protesting against it.

Colonel AMCOTTS opposed the Motion. Lincoln had raised £94,000 by rates for the destruction of cattle, and if an allowance was to be made to one county it ought to be made to another.

MR. CHADWICK supported the Motion. The injury was exceptional, and it was the duty of the House to consider it.

MR. COLLINS said, he thought that this was an exceptional case, in which a rate-in-aid ought to be granted from the Consolidated Fund. The losses in Cheshire were so great as compared with Lincolnshire that the latter county had no claim on the Consolidated Fund.

MR. MELLY, on the part of the consumer, protested against any remission being made to Chester. He opposed the Motion.

MR. GLADSTONE said, the answer given to his right hon. Friend had been that a loan had been forced upon Cheshire at £3 5*s.* per cent. If so it had not been forced by the Government, which could not afford to lend money at £3 5*s.* per cent. [Mr. J. B. SMITH: It is £3 10*s.*] No loan of that amount either had been forced upon Cheshire by the Government. It appeared, however, that the inhabitants of a single county, who now came to Parliament for a further grant of public money, had to meet an addition of 1½*d.* in the pound to the taxation of the county extending over a period of thirty years. But then it was said that it was not a question whether the county was rich or poor, but that the charge was unjust. If it was a question of justice, every county in England and Scotland was entitled to make the same demand, for the circumstances of each county were precisely the same, as far as Parliament was concerned. He denied that it was the duty of the Government to prevent people's cattle from falling ill; and it would have been well if the example of Aberdeenshire had been generally followed elsewhere. He deeply regretted the burden which rested upon Cheshire, but, heavy as it was, it was not to be compared with that which had fallen upon Lancashire during the cotton famine, from causes quite as independent of its own control. The right hon. Gentleman quoted from the Report of an Inspector to show that there had been negligence on the part of the farmers in regard to the spread of the disease, and then proceeded to meet the argument that this was an exceptional case. It was, he admitted, a very exceptional case, but exceptional in a very different sense from that in which the plea was urged by the noble Earl (Earl Grosvenor). At this moment the rates of Cheshire were supplemented in a very peculiar manner—namely by a tax levied from the consumers of salt throughout the country. The tolls on the Weaver navigation derived from the commodity of salt amounted, in ordinary years, to £20,000 per annum, and this year, owing to exceptional circumstances, they had fallen to £12,000, or within £2,000 of the amount of the loan which Cheshire had to pay on an average of years. He congratulated Cheshire on the possession of that valuable resource, which seemed as if it had been intended to meet this very exigency.

MR. LAYARD, as representing Birkenhead, which would have upwards of £40,000 of the debt to pay, protested against the injustice of asking Cheshire to bear the whole burden of the loss. They asked nothing for Cheshire except that it should not be asked to pay for cattle destroyed after the Act was passed, by order of the Government and for the national good.

Question put,

The House *divided*:—Ayes 85; Noes 126: Majority 41.

## PACKET AND TELEGRAPH CONTRACTS RESOLUTION.

THE MARQUESS OF HARTINGTON *moved* that the first Resolution of the House of the 24th of July, 1860—

> "That in all Contracts extending over a period of years, and creating a public charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been laid upon the Table of the House of Commons for one Month without disapproval, unless, previous to the lapse of that period, it has been approved of by a Resolution of the House,"

be read and rescinded; and in lieu thereof, that it be resolved—

> "That in all Contracts extending over a period of years and creating a public charge actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been approved of by a Resolution of the House."

Motion *agreed to.*

*Ordered,* That the said Resolution, and the Resolutions of the House of the 24th July 1860, be Standing Orders of this House.

### METROPOLITAN BUILDING ACT (1855) AMENDMENT BILL.

Bill "to amend 'The Metropolitan Building Act, 1855,'" *presented,* and read the first time. [Bill 214.]

### TRADES UNIONS (PROTECTION OF FUNDS) BILL.

On Motion of Mr. Secretary BRUCE, Bill to protect the Funds of Trades Unions from embezzlement and misappropriation, *ordered* to be brought in by Mr. Secretary BRUCE and Mr. KNATCHBULL-HUGESSEN.

Bill *presented,* and read the first time. [Bill 216.]

House adjourned at a quarter before Three o'clock.

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## HOUSE OF COMMONS,

### *Wednesday,* 14*th July,* 1869.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading*—Public Schools Act (1868) Amendment * [217].

*Second Reading*—Real Estate Intestacy [45].

*Committee*—County Coroners (*re-comm.*) * [135] —R.P.

*Withdrawn*—Libel (*re-comm.*) * [106]; Sea Fisheries Act (1868) Extension * [156].

### STILL-BORN CHILDREN.—QUESTION.

DR. BREWER said, he would beg to ask the Secretary of State for the Home Department, If he has any information on which he can rely of the large and still increasing number of infants who are alleged to be buried as "still-born;" and whether, it is the intention of Her Majesty's Government to render registration of the burial of such children in all cases compulsory?

MR. BRUCE said, in reply, that he was afraid the information possessed by the Home Department on this subject was defective. The only answer he could give to the Question of his hon. Friend was that this subject formed an important part of the inquiry being carried on by the Sanitary Commission, the members of which were prosecuting their labours with a view to remedy the defects in the Act.

### METROPOLIS—ST. PANCRAS WORKHOUSE.—QUESTION.

DR. BREWER said, he wished to ask the President of the Poor Law Board, Whether he has heard, on reliable information, that the master of the St. Pancras Workhouse has been suspended from the duties of his office for one month; and, if so, on what grounds?

MR. GOSCHEN: Sir, I have heard officially that the master of St. Pancras Workhouse has been suspended from his office for one month. He made himself a party to certain allegations to the effect that some of the patients were improperly discharged from the infirmary before they were cured. He also frustrated the efforts of the guardians by making reports for which there was no foundation, and accordingly he has been suspended without a day's notice. The workhouse, containing some 2,000 souls, has been intrusted in the meantime to the charge of a clerk.

### REAL ESTATE INTESTACY BILL.

(*Mr. Locke King, Mr. Bouverie, Mr. Hinde Palmer, Mr. Headlam*)

[BILL 45.] SECOND READING.

Order for Second Reading read.

MR. LOCKE KING: * In asking the House to assent to the second reading of this Bill I feel that I do so not only under very different, but under far more favourable circumstances than I have done on any former occasion. I will candidly own that at one time it really seemed like hoping against hope to hope to pass a measure of this kind within any reasonable period of time. Every kind of insinuation was made against this proposal; every prejudice was roused; every sort of misrepresentation and invention was resorted to, so that it was believed by some that this Bill would not do the good we intended it should, and would do a vast deal of harm we never intended. A great change has, happily, now taken place among the powerful and governing classes of society, and many have told me that whereas at one time they looked on this plan as dangerous and unjust, they now see that it is both safe and just. It is satisfactory to find that this great change has taken place, not from any agitation out of the walls of this House, for I have never resorted to such a proceeding, but from the real merits and justice of the measure itself. There is one change I regret to observe has not taken place, and that is my hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) is determined to oppose this Bill, as he has done on many former occasions. I do not feel that he can this time be so sanguine of success as he has been before. He used to boast that in seven years we only gained 7 votes, and never obtained more than 86 in our favour. This time I think he will find we shall have considerably more, and very possibly may be in a majority. I regret that he still persists in this course: it shows that the learned University which he represents has set its face against progress in these most progressive times. I can not only assure him that the Bill must pass very shortly, but I can also give my hon. Friend this comfort, that when the event has occurred, it will be included in the list of those many Bills which he has opposed, but which having become law, have added considerably to the prosperity of the nation. Of all the laws which relate to the transmission and descent of property in general none are more interesting, none more difficult, than those relating to landed estates. There is a peculiarity belonging to the land, and an attachment to it which none of us, I am sure wish to see diminished; there are, moreover, natural difficulties which do not apply to moveable property, which we call personal estate. These natural difficulties are quite sufficient without our adding to them artificial ones;—unnatural, unjust, and artificial legislation is sure to come to an end. A system of laws invented for and enforced upon an uncivilized and comparatively ignorant population, is not likely to find favour when it is allowed to remain in force, even in a mitigated form, for a people who feel they rank among the most civilized of nations in the world. A free and an enlightened people have a right to expect that there should be a law founded on a principle, in force for the property of all who die without a will, no matter to what class they belong, or of what class their property consists. I feel sure that if any unprejudiced man were asked on what principle such a law should be framed, he would say that it should be uniform, just, and free from any prejudice. Now, no one can pretend to say that our laws relating to the property of those who die intestate are uniform; there is no such thing as uniformity; they are not just, for if they are just in the case of personality, they are most unjust in case of freehold property, and what is more, they abound in prejudices. Over and over again I have asserted that the law relating to the personal estate of an intestate is, on the whole, a just law; by that law, in the ordinary case of a widow and children, one-third is given to the widow and two-thirds to the children. In the case of freehold land, the whole of the estate descends to the one eldest son, and the widow and the whole of the family may be entirely destitute. If the law is just in the one case, it is the very opposite to just in the other. No enthusiast in favour of the heir-at-law getting the whole estate, has even dared to propose that personal should descend in the same way as freehold estate does. It has been well remarked that if such a law were in force, it could not remain for a single year. All I ask is, to make one uniform, one just law for the property of all who die without making a will. I am not in any way asking the House to interfere with the power we now have in making wills; it is a right I would not for the world decrease—on the contrary, I should prefer seeing that power greater; in the upper classes of society, if that had been so, it is probable we should not have heard so much of those disgraceful events which have taken place of late. It has always been felt that there is something sacred in the will of the departed; the wish of the dead, ought to be a rule, as far as possible, for the living. No one is so well qualified as the parent, as a general rule, to make distinctions in and among his children as to the disposition of his property; he knows all the peculiarities of their case and their particular wants. But where he has neglected to make a disposition, the State can have but one duty in making a will in his stead, and that is to deal justice to all, to provide for all, to have but one uniform law. To give all to one and nothing to the others, beyond a doubt, savours of prejudice and injustice. Why, then, I ask, has there been such an alarm at this moderate proposal, and why is there such a clamour now? Is it on the ground of antiquity? on the ground that it is proposed to do away with ancient law? These lovers of antiquity must learn to bow to common sense and to justice. A people who have been subject to the prejudices of former times, and subject to laws which they feel are unjust, will in their turn become the judges of those laws. The spirit of those laws show what was the spirit of the people for whom they were framed; they knew not the principles of civilization, and were more accustomed to warfare and plunder than to the comfort and blessings of brotherly love at home. But if we look at the very ancient times, there was nothing so harsh as the feudal law; for, under the Mosaic dispensation, the patrimonial estate was divided into shares, and the first-born had only a right to two of those shares. Again, France, the great teacher of Europe in feudal and Roman law, had nothing so barbarous as our law. The younger sons had a right to a pension for life out of the family fief when there was only one —when there was more than one, the eldest son had only a right to the first choice. I believe the real opposition to this Bill comes from another and a secret source: it is a secret dread lest it should interfere with the accumulation of land in the hands of a very few proprietors. This Bill cannot, as I think, interfere with such an accumulation, seeing that the estates of these large proprietors are invariably tied up, settled, and entailed, and very rarely descend to the heir-at-law, by right under the present law. The alteration I propose would affect the estates of the small owners of land. These small proprietors are generally ignorant of the injustice of the present law, and invariably wish to have their widow and children provided for. But if, after all, this Bill should in any way tend somewhat to diminish the estates of the great landed proprietors, I feel it would do a vast deal of good, for in all conscience these estates are large enough, and, in my opinion, an increased number of proprietors would add greatly to the prosperity of the nation. We can see the evils of accumulation of land in Ireland; there we have all the misery arising from great landed estates and small occupiers; in consequence we are obliged to resort to extraordinary legislation from time to time for that unfortunate country, which had descended to the lowest state of social misery. In England, also, before the introduction of Free Trade, we were suffering severely from the accumulation of land, the land being in the hands of great proprietors, who neither had capital or the inclination to improve their estates. I might refer to the year 1831, when that mysterious character "Swing" went about lighting several fires every night. We should then have been in England at the lowest point of social wretchedness, had it not been that we could point to Ireland as worse than ourselves. I feel, then, that if this Bill would occasion a greater division of the evil by the force of example, not in the slightest degree by compulsory division, it would do greater good than I anticipate. It has been urged against me that I seek to introduce the French Law; this I utterly deny; I by no means approve of that system, as it fetters the privilege we enjoy in this country of leaving property by will. But when hon. Members describe and denounce the state of agriculture in France, I would remind them that France has improved wonderfully under the new system, that nothing could be more miserable than its agriculture was under the *droit d'aînesse* and substitutions. It is only fair to remind the House, that a great misconception prevails with regard to the right that exists in France as to bequeathing property. The Article 913 of the French Code is as follows:—

> "Liberalities either by acts of gift or will cannot exceed a moiety of the part of the disposer if he have at his decease but one legitimate child, a third if he leaves two children, and a fourth if he leaves three or a greater number."

Thus if a man has £6,000 he can leave, if he has only one child, £3,000 to any one he pleases; if he has two children he can give £2,000 more to one child than to the other; if he has three he can dispose of £1,500 whatever be the number of children, as he pleases; if has six children, one child might have £2,250; and the rest £750 each. In Belgium this precise law is actually in force, and there we may observe the most industrious agriculturists in the whole world, with its small proprietors, small cultivators, who have brought the poorest soil, a blowing sand in the Pays de Waás, into fertility. I may ask hon. Gentlemen to compare the small proprietors and small occupiers of Belgium with the large proprietors and small occupiers of Ireland. The same religion, moreover, it must be borne in mind, exists in both countries. I do not allude to the law of France, and to the perfection of agriculture under that law in Belgium, with the view of having such a law introduced into this country: far from it; but I feel it is only fair to state the real facts of the case, when so much misconception prevails. I wish to warn the House that it is by refusing just and reasonable measures like this, that great changes are forced upon us, and those who dread violent changes ought to assent to this most moderate plan. Those who, like me, do not wish to see the power of willing property interfered with by resisting this Bill, are going the surest way to get the French law introduced here. It is felt to be most harsh and unjust towards those among the humbler classes who happen to have small plots of land or cottages, that this law should be retained, when it can only affect the prejudices of the ruling classes, and not their property—the estates of the upper classes being invariably settled; and where those estates are not so settled, they belong to a class who know the state of a law of which many of the other classes are ignorant. On a former occasion an attempt was made to throw ridicule on the case of actual hardship which I brought under the notice of the House, where the unfortunate widow and children were left penniless, the whole estate having gone to a worthless eldest son, the heir-at-law, who had squandered the patrimony in dissolute living; the family received no sympathy from the hon. Gentleman, and insult was added to the injury, by looking upon the son as only a prodigal son! I shall, in spite of this ridicule, bring before the attention of the House another case or two of a peculiar kind, showing the operation of the law in a manner to me new, and thus expose a hardship of another class. The case which I am now going to read to the House is sent to me by a clergyman in the middle of England; he informs me that he was formerly opposed to the alteration of the law which I propose, because he was led to believe I wished to introduce the French law. He now says he is quite a convert, and allows me to make his name public, and the names of the parties, if I desire. It is as follows:—

"A labouring man in this parish, with that desire to procure a small piece of land which is felt by many of the more industrious agricultural labourers, about ten years ago purchased a cottage in this parish, with less than two acres of land. Some of the purchase money he had saved, the rest he borrowed, and to wipe off the debt he took heavy task jobs, and worked extra hours, 'rising up early and late taking rest.' He accomplished his object, but not without serious injury to his health; more than a year ago he was seized with an illness which in the end proved fatal. I visited him in his sickness, and perceiving the difficulty and confusion that would arise if he died intestate, I took occasion to ask him if he had made a will. I urged him, if he had not done so, to do so without delay. He seemed possessed with the idea that his wife (his second) would succeed to all he had; as he had two children by his first wife and four by his second, who was again in the family-way, I pointed out the injustice that would be done them if his house and land went to his eldest boy alone, a child of six years old, which would be the case if he died without a will. He delayed the matter so long, that when other persons interested in the family, seeing the matter in its true light, came to induce him to settle his property, he was past consciousness and he died intestate. The consequence is that the widow is left with six children, the eldest son, who is heir, not seven years old. It is impossible for her to live and support her family out of the proceeds of one and a-half acres of land. The union will do nothing for her, because of the ownership of the land and cottage; and they cannot be sold until the boy is twenty-one, except, as I am told, by some expensive process in Chancery, which would swallow up no small portion of its value."

Here is another similar case sent to me by a gentleman learned in law—

"Edgbaston, April 9, 1869.

"A mechanic living at Smethwick near this town, earning 40*s*. a week, and having a wife and four children, of whom the eldest son is nine years old, died on Tuesday last, seized of a freehold house worth about £150, and having nothing else besides his household furniture. He left no will. The furniture will yield enough to pay the funeral expenses and debts. The house is unencumbered. It is not that in this case the injustice is confined to the eldest son's taking everything, to the exclusion of his mother and brother and sisters—(dower being no doubt barred, as is usually the case); but, that instead, as in personalty, of the mother's taking out letters of administration, and then being able to let or sell the house, there is no one, the son being a minor, who can do either the one or the other without having recourse to the filing of a plaint in equity in the County Court for the appointment of a trustee, a proceeding which though comparatively inexpensive for a lawsuit, must eat up a considerable portion of the property."

I think all will agree that these are cases of particular hardship in many ways, and they cannot be uncommon.

I well remember an Attorney General (Sir Roundell Palmer) opposing this Bill and arguing that hard cases make bad law; but I can, I think, say with greater confidence, that bad law makes hard cases. Primogeniture is a word I have not used, but I use it now, and I say primogeniture as it exists now, is very different to the primogeniture of former times; it is a spurious article, discharged from its duties and reponsibilities; it is a barbarous and ignorant, as well as a modern perversion of what was once within certain limits, compared with what it is now, a noble and even a beneficent institution—common sense and justice require that what a man can convert at any moment at his pleasure into money, should be treated as money at his death. The cruelty practised on families is of frequent occurrence among the small proprietors, while the open favouritism and unjust prejudice shown to the heir-at-law is quite monstrous. For instance, if a parent having made a will leaving his personalty to be divided in certain proportions among his children, contracts to buy a freehold estate, and dies before the purchase is completed, intending when the whole business is arranged to make a fresh will, the executors are of course obliged to complete the purchase; but they have to hand the estate over to the eldest son, although certain sums of money had been left in the will and by name to each of the children. Cases of this kind do occur; they are not only unjust but revolting to think of. The anomalies respecting the descent of landed property are also great—for instance, a leasehold for life or lives—although the life may be a bad one and last only a few years, or even months—descends as real estate to the heir-at-law, whereas a leasehold estate for a term of years, say 100 years, or 10,000 years, or upwards, being as good as freehold, descends as personal estate. I might mention gavelkind, where the estate goes to all the sons to the exclusion of the daughters, and borough English, where it goes to the youngest son. I have heard it said that this is a very small question, and will produce no very great effect; I have never said it was a very great question, but I say that there is a great principle involved in it, the great principle of justice. Again it is said, the whole question of laws relating to land ought to be gone into: to this I agree; but there is no reason to postpone on these grounds passing the Bill, for practically it is only in cases of intestacy where these anomalies and cruelties shew themselves, and this Bill would meet them all. In former Parliaments, this measure which has been denounced as something dangerous has been supported by good and sound men; I might refer to Judges of the land whose names have been on the Bill—to the late Mr. Baron Watson and Mr. Justice Mellor—Mr. Massey also, who for many years was Chairman of Committees in this House—not a very dangerous character—had his name on the Bill. In more recent times, many distinguished men who now sit on the front Bench have advocated this measure, the President of the Board of Trade (Mr. Bright) invariably so—or if it be said he was too Radical, I will mention the name of another supporter, the Chancellor of the Exchequer (Mr. Lowe), and I am sure no one will accuse him of being too Radical. The Solicitor General also, as sound a lawyer as any man, allowed me to place his name on the Bill on the last occasion of my bringing it forward. The time has now arrived for this Bill to become law; we have happily a House of Commons in accord with the people, we have a Government in union with the House of Commons; but, above all, we have the most earnest and powerful Leader this House has ever had; he leads this House and is not led by it; he has only to give the word and this measure of justice will become law.

Mr. DICKENSON, in seconding the Motion, said, he believed the change which it was proposed by the Bill to effect would be found to be a sound and wholesome reform of the law relating to real property. He was aware that the measure had not formerly been a popular one in that House; but matters were now changed, and he believed that it was now about to be successful. It was true that it had only a limited application, as there were not many men possessed of real estate who died intestate; but that did not alter the necessity which existed that they should remove that which was a real injustice. The proposal contained in the Bill was a very simple one, and it was one that ought to commend itself to every moderate man. Arguments covering a wide field of speculative controversy, and dealing with it as a proposal which threatened to ruin the aristocracy in its remote consequences, had been urged against it, but into a refutation of those arguments he did not think it necessary to enter. He should content himself with laying before the House his view of the change as it presented itself to his mind in its primary bearings. The question was a dry and technical one, but it was one of great importance. It was said that a law which had existed for centuries must be deemed to be good; but that argument, which amounted to little more than a mere assertion, he would meet by saying that a law which had remained so long unaltered was all the more likely to require alteration at the present day. He maintained, moreover, that instead of the onus of proving the law as it stood to be unjust being thrown on the advocates of change, those who were in favour of continuing the differences which prevailed as to succession to property of one kind as compared with another ought to be called upon to show on what grounds the great anomalies which existed in that respect could be justified. Steps had already been taken in dealing with wills to render the law as it related to real and personal property more uniform, and he saw no good reason why the House should hesitate to take another step with the view of carrying that uniformity still further; for those who were in favour of legislating in that direction stood, he contended, on higher ground than they who supported the continuance of a variety of laws of succession for different kinds of estate. As to who should be the successor to property, it would, of course, be at once conceded that the family of the owner had a right to succeed to it in preference to a stranger. That being so, the question remained how, when a man happened to die intestate, the rights of his family *inter se* ought to be dealt with. This Bill declined to give a preference to males over females, or to one son over another son. Those who upheld the existing law were the advocates of the right of one of the family to possess the entire estate to the exclusion of the others; but, when it was considered that the duty of the parent was equal towards all his children, there was no just ground on which the law could proceed when the parent happened to die intestate, except to make provision for all his children out of his property; and it could not enter into those various influences which might operate on him to dispose of that property in varying proportions, but must lay down some clear and distinct line of succession. The law should not give a larger share to one child and a smaller to another, and the only fair and intelligible principle, therefore, on which it could proceed was that of equal partition; but, under present circumstances, it did, in the case of real property, what no parent would be likely to do—it gave all to one child and nothing whatever to the rest. It was said, however, that there was no injustice in that, as every parent had the power of making a will; but was that, he would ask, any good reason why, if from accident he failed to make a will, that accident should be made the ground of entailing misery on his children? It was absurd to say that because a father had not done his duty the law was absolved from doing its duty also. Formerly, a parent could not succeed his child; but such was no longer the case, and the days had, he hoped, passed away when men could be influenced by those considerations which operated in the minds of those Gentlemen, very learned in the laws of real property, who sat on the Commission of 1829, and who could not see that there was anything more beautiful than the whole doctrine of contingent remainders. With all deference for the authority of those Gentlemen, he must say he could hardly have thought so much nonsense could have been introduced into a single paragraph as was contained in the sentence in their Report, in which they spoke of the result of such a change as that proposed in the law of succession to real property as having a tendency to break down in a few years the aristocracy, and as being likely to be ultimately unfavourable to agriculture and the best interests of the State. If necessary, he should be prepared to justify the change on the ground of expediency; but he should now content himself with supporting it because it was just, and because it would bring our law more into harmony with the codes having relation to the succession to property which were now established in India by the advice of the India Commission, in all our colonies, in America, and, indeed, in every civilized country. He trusted we should no longer allow ourselves to be the slaves of a feudal system which had existed too long already, and the sooner it was swept away the better, replaced as it would be by a law more intelligible and just.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Locke King.*)

MR. BERESFORD HOPE: I am glad to take this early opportunity of relieving the mind of my hon. Friend (Mr. Locke King), who has brought in this Bill, and who has argued it with his usual good temper and shrewdness, and made as good a case out of one not naturally good as it was possible for a man to do. For one moment he assumed a tone of mystery, and talked of there being something behind the veil of opposition which he was going to remove. He then asserted that we were opposed to this Bill because it would prevent the accumulation of landed property. Now, I tell my hon. Friend fairly that that is not the ground on which I base my opposition; and I tell him one thing more, that this Bill, if it ever becomes law, will tend to the accumulation of estates in the most rapid manner. I believe so firmly; and, I think, I shall make it clear to the intelligence both of himself and of the hon. Member for Stroud, who has argued the question with much force from first principles. In doing this I shall refer to a document which has not yet been opened in the face of this House by either of the preceding speakers. I mean the Bill itself, which we are now asked to read for the second time. The Bill is divided into two clauses; the 1st clause gives power to the administrator of an intestate, or to the executor of a man intestate, only as to his realty, to sell the land of the deceased; and, after turning it into money, to divide the proceeds among the children or heirs in the same way as he would divide any other money which a testator might leave. The 2nd clause comes in as a sort of alkali to qualify the acid of the first one, and it places running powers over a vast number of miscellaneous law suits in the hands of the different members of the family, some of whom may or may not wish to divide the money value of the property, and others may or may not prefer that the family should share the land itself. With respect to those provisions I shall say a little before I sit down; but, dealing now with the 1st clause, it is obvious that it gives a power which does not now exist to the administrator of any estate to turn the land into money and to divide that money among the heirs. Now, I appeal to the common sense of this House to say, if this provision were to become the law of the land, whether an immediate and ready way would not be opened out for the accumulation of estates in single hands which does not exist at present? What is it that now prevents the millionaire from adding house to house and field to field? In most cases the lesser properties of the country are held in fee-simple by yeomen. In only a few cases is there anything answering to what is loosely called an entail. I say loosely called, for there is no term in the English language which has been more abused than that of entail. In Scotland there are entails; but everyone who is acquainted with the laws of this country knows that, with the exception of a few great families, such as Marlborough, Wellington, Nelson, Shrewsbury, Abergavenny, Pembroke, and two or three more, there is nothing in England to which the word entail could, without a strong strain upon the term, be applied. What are commonly called entails are really settlements. Now I revert to the case of small properties, and I appeal to that knowledge of rural life and rural institutions which most Members of Parliament possess, and I ask them if the idea of a settlement naturally enters into the minds of those small proprietors—the owners let us say of from one up to twenty or thirty acres? The estates of these people are held in fee-simple; and they have seldom any papers or parchments amounting to a settlement. The documents with which they are familiar are, unfortunately for the owner, too often in the shape of a mortgage held by the village usurer, of whom I shall have something to say presently. The village proprietor holds his land in fee-simple, but it is too often burdened with some mortgage which has been contracted by himself, or by his predecessor, with his eyes open, but still he holds on, in the honest pride of his heart, at being the owner of land which will, he hopes, pass down to his descendants. It is this honest pride of the small proprietor which forms the great obstacle to the accumulation of estates in the hands of grasping and ambitious men. My hon. Friend quoted a case somewhere in Staffordshire. I asked him where, not out of curiosity, but because I myself have property in Staffordshire, in a part of the county where a large number of these small properties are in existence; and I can assure my hon. Friend and the House—not for the sake of getting a party cheer — but from my strong conviction of the truth of what I say, that if I were desirous to accumulate property in that district, and to acquire *per fas et nefas* the lands by which I am hemmed in, I should become a warm supporter of this Bill, for I should see in its passage the last obstacle removed which prevents those who covet the possession of those small plots of land from obtaining their desire. Stripped of the legal verbiage with which the Bill is encumbered, this is what it comes to. It is often difficult even now for the poor man to keep his land, not so much from the immediate calls of his family as because he is in debt to the money-lender—the village usurer — a very common character in "rural parts." Hon. Members who live in towns, where the ready resources of our legitimate banking system are ever open, may be little aware of the oppression under which these men groan from the exactions of the informal money lender. The system of irregular banking exists in the country parts of England to an enormous extent in the persons of retired tradesmen, or of landed proprietors, with a little hoard behind, who have all their lives gone on, with their eyes open, lending small sums of money to their neighbours, at some high rate of interest —obligation heaped upon obligation— ready when the time comes to pounce upon the land which is their security. You may say that this is a wrong state of things; that a man has no right to hold land if he cannot afford to pay his way, and that the peasant usurer has a right to foreclose and come down upon him. All these arguments may be based upon very enlightened political economy, but the man must be somewhat hard hearted to accept them as they are without abatement. I do not say that a wide system of such small properties is the best condition for a country, or that they are the most highly cultivated among our estates. But whatever our opinions may be on the general question—whether we hold that small landed properties are or are not desirable, there is no justification for crushing them as this Bill proposes. Look at the present position of the village usurer! What prevents him now from coming down upon the land — what induces him to give the day of grace to his debtor? Nothing but the knowledge that the property which is his security is held—to use a foreign phrase *en solidarité*—that the owner will devolve it in its entirety to his eldest son, and that his will has been effectively made by his having made none at all. But suppose this Bill to pass, what will then be his condition? Every man who has advanced money upon land will begin to take stock of the character, the circumstances, and the means of those who are indebted to him. He will see that, under the operation of this Bill, the land may be broken up and sold, and his whole security melt away. To forestal the day of inevitable distribution he will foreclose at once, and will either put the money received from the sale of the land into his pocket or else step into corporal possession of the land itself as its proprietor. The system, which is now one of money lending, will, under the Bill, develop into a machinery for the accumulation of land. The usurer himself will be greedy of the land. He generally belongs to the class of small landowners, and he would often take the land with its moderate percentage of profit, but its visible increment of influence, rather than continue to squeeze out his annual interest, though the rate of that interest may be higher. The Bill would equally create facilities for those more respectable accumulators of land—the great proprietors. A man dies intestate—his property is in the market—there is a sum of money to be found immediately. The property may be worth a few hundreds. Is it likely that the administrator will take the trouble and go to the expense of advertising the property for sale, of engaging with an auctioneer, and running all the risks attendant on a sale, especially if that sale were made, as it would probably have to be, without reserve—when the steward of the great man called upon him and showed him a roll of £100 notes? In such a case you may be sure that the administrator would close with the bargain, and pocket the money, and so the few paternal acres would become absorbed for ever in the great adjacent estate. You may say again that it is better that it should be so—that the land will be better cultivated after the transfer. But that is not the argument of my hon. Friend. He took the popular ground—and I am endeavouring to meet him on that popular ground—the objection to the accumulation of estates. Of course there is the counteracting element embodied in the 2nd clause—that the property need not be sold but may be divided among the children. On that I have to say that a small property so cut up between the children would prove to each of them a *damnosa hereditas.* It would afford no real help for getting on, no tangible comfort; it would not foster healthy self-reliance. There would only remain the empty name of ownership to feed a false pride, to encourage selfish indolence, and to check those nobler, more independent feelings which send a young man forth to make his own way in the world with a stout heart and brawny arms. Under one system we should have the young peasant making his own way in the world to fortune by his enterprize and industry, and under the other, a churl, idly vegetating in the poor dignity of a miserable co-proprietorship of a patch of land which is hardly able to yield him a sufficiency of the poorest food. Such evils exist already where land is over divided. Their prevalence in foreign countries is generally admitted. We have examples of a like state of things in a part of England where there is a law in existence not very dissimilar in its operations to that which would be introduced by the Bill of my hon. Friend—the county of Kent where there is the law of gavelkind. [Mr. LOCKE KING: It is quite different.] I know it is different in a great many details, but the point of similarity between this Bill and the law of gavelkind is that both chop up the estates of those who die intestate, and that is the question on which I am now insisting. I have personal experience of the working of gavelkind, for I live in that county; and I can assure the House that small properties there are divided and subdivided in a way that has produced great confusion, and that has brought about a state of things which is not wholesome either for the beneficiaries or for their neighbours. I sought the opinion of a gentleman who has long been a solicitor in Kent, and who has a wide acquaintance with the circumstances of the county, and I will read to the House an extract from a letter which I have received from him on the subject. He says—

> "In my experience I have known many cases where small properties of gavelkind tenure, which prevails in this county, have descended through the intestacy of the owner."

The hon. and learned Member for Stroud stated that intestacy in the case of a landed proprietor was very rare. I believe, on the contrary, it is very common. The letter goes on—

> "It descends to numerous sons, and the children and grandchildren of deceased sons, and in other cases to brothers and the descendants of deceased brothers, some being infants, and others abroad, or lost sight of, and married women, and the benefit to them in succeeding to these undivided and, in some cases, infinitesimally small shares has been very questionable, while the eldest son, or eldest brother, had he alone inherited, would have derived an advantageous succession. And the practical result has been that, through the disability or absence of some of the parties, and disagreements and litigation between others, the properties have been unsaleable for very many years, except, indeed, in small undivided shares; and the expenses attending the sales, and of making out the numerous titles, have been enormously increased."

Now, as I pointed out, the 2nd clause of the Bill empowers the administrator to divide or apportion the land, if so desired, by way of partition among the different parties, and it empowers him, if necessary, to apply to the Court of Chancery, and bring the Court of Chancery to bear upon these small properties by way of helping out their distribution. My hon. Friend can hardly be serious in such a proposition. But there is another demon lurking in this Bill which we must drag out into the light of day. Those who have considered the provisions of this Bill are of opinion that under it the properties will become liable to both the probate and the legacy duty—not, be it remarked, the succession, but the more burdensome legacy duty.

So much for the aspect of the Bill as the yeoman's measure. But there is another class of small properties which it will considerably affect. We all know that of late years a system has been going on, especially in the outskirts of our manufacturing towns, of laying out plots of land for building purposes through the operation of the Freehold Land Societies which have been set up partly from political motives—laudable and legitimate political motives I freely grant—and partly established by benevolent persons on social considerations, in order to enable a poor man to be the owner of his own house. The direct tendency of this Bill must be to force such properties into the market. Who, then, would be the purchaser? Will it be some other operative—a man who has made a little money in the way of his trade and who would like to be a freeholder? The more likely chance would be that it would fall into the hands of some speculative builder or some sharp lawyer in the town. These societies may be good or bad in themselves, but in no long space of time the effect of the Bill of my hon. Friend will be to hand the allotments over to the builder and the attorney, and to people them with tenants instead of freeholders.

I am glad that my hon. Friend believes so strongly in the sacred right of making wills and upholds the respect which is due to a testator's wishes. These are points on which he and I agree. We agree in equally repudiating that worst of all forms of tyranny—the law which exists in France and which prevents a man from disposing of his own property as he pleases. But I appeal to the common sense of my hon. Friend and of those who support him, whether by the operation of this Bill they are not inevitably impelling us in the direction of that foreign system. At present, public opinion with us justifies the man who does not make a will if he desires his eldest son to inherit. Public opinion also justifies the man who makes a will, though thereby he damnifies the interests of his eldest son, and I venture to say that it is better in every respect that the temper of public opinion throughout the country should remain in this plastic and rational condition. It is alike just and tolerant. It equally applauds, justifies, and upholds the man who does, and the man who does not make a will. It sees no harm in a "son and heir," and it recognizes partition. But let this Bill pass, and then the making of a will, which involves heirship, will be denounced as unfair and antagonistic to the testator's family. Public opinion, or rather public gossip will point at him and say —"That man has made his will, and cut off those fine fellows who were his natural heirs." Thus there would soon grow up a spurious public opinion in the country which would refuse to the testator the power of making his own will according to his own opinions, and this tyranny of new prejudice would tend to bring into contempt and thus to undermine the system of inheritance which has struck such deep roots in the institutions of the country.

I have hitherto discussed this question from the poor man's side, and shown cause why I believe that it will deeply injure those for whose benefit my hon. Friend has introduced it—the peasant proprietors. I now turn to the larger proprietors. I have already shown that the tendency of the Bill must be to accumulate land in the hands of the wealthy and ambitious man, who, with his eyes open the to course of events, will be ready to snap up every bit of property which comes into the market. But will it stop there? Will it not also tend to discourage that which ought to be supported as the healthy condition of this country—I mean the diffusion of moderate estates, well cultivated, and with a large amount of money spent upon them? We ought not to forget that England, while great in wealth and power, is yet small in area. So long as we lived under a system of Protection —which, for my own part, I am heartily glad has been swept from the face of the earth—we lived, to a large extent, in a fool's paradise, and our eyes were blind to the future. But the increase of commerce, the increase of Free Trade, and the knowledge that the wheat lands of Illinois and of Russia are as much our own for all the purposes of production as are the grounds of Kent or Leicestershire, are working their effect. These facts, the knowledge of our great mercantile wealth, and of the commercial force of the country, combined with a clearer appreciation of the small acreage of the kingdom, and the consequent insufficiency of its soil to feed its people, are becoming every day more apparent to us. In point of fact, the direct ownership of land in England is becoming every day more and more to its possessors one of the profitable luxuries of life rather than, as in olden times, before England became, to a great extent, a manufacturing or a mining country, the one necessary source of life. In very truth, of course the land has become a more abundant source of life than it was in simpler days, for more money is now turned round it, and got out of it. But its life-giving qualities are elicited by a more complicated process. Our commercial classes are beginning to look upon the acquisition of land—I do not mean an undue acquisition, but the acquisition of moderate estates—partly as a means of assured social position, and partly as affording scope for that mission of usefulness and charity to our neighbours by giving them regular employment and good pay, which all right-thinking men recognize as the responsibility of wealth. This England of the 19th century is, on a larger scale, becoming a reproduction of what the Republic of Holland was in the 17th century—the great international mart of the world, the seat of commerce, where land, divided into small portions, was highly cultivated and much prized, and yet continued auxiliary to the commercial wealth and enterprize of the towns in which were centred the staple riches of the country. We may shut our eyes now to this state of things, but the time for opening them is at hand, and we shall become awake to the fact that land has become one of the means of the *ars vivendi*, which we must study as citizens of this large and wealthy country if we desire to make it fully conducive to the nourishment and the happiness of the people, by turning on to it the capital made in commerce or lucrative professions. Granting this premise, shall we not discourage this good result if, by our legislation, the land becomes either too minutely subdivided, or too generally gathered into those large accumulations, which the bailiff or steward, and not the owner, must look after. The present system obviously encourages the system of moderately-sized estates. It fosters the man who has bought or inherited an estate—who has built a house upon it, and has improved the land, turning the heavy clay into a model farm, and in fostering him it sustains the dependents whom his enterprize has created — it gives him assurance of knowing that the estate will go down to those who are to come after him in the very size and form in which he has cast it, unless he himself pleases to rule otherwise. He is able to regard this solid fact as the backbone of all his transactions. Supposing he wishes to raise money as a portion for his children or for his widow, the title-deeds of his land will be the best security that he can give for it. But pass this Bill, and leave the property to the chance of its being cut up by the accident of a man's not having made his will, and do you think that the commercial classes will then deal with the land with the same sense of security that they now do? Do you think that they will look upon it with the same satisfaction? Do you think that they will appreciate land, either as a holding or as a security, to the extent at which they now value it? The land may be there as a security, but let an intestacy come, and distribution will have to be made and charges paid off. But there is still worse behind. A great ancestral estate with all its conditions and all the institutions that have grown up round it, may pass out of the hands of the family by the visitation of Providence, not by the *laches* of man. Take the case of property which is held by an infant or a lunatic. An accident by rail or in the street might bring to the ground our most ancient and honoured houses, through no fault of man, and yet the catastrophe would spread ruin and desolation through the homestead and the cottage. I have received a letter from a gentleman, detailing a case of hardship, which I shall bring before the House. I think it is as real a grievance as any of those which have been brought forward on the other side. My correspondent is heir to an estate that is at present held by a person of unsound mind. He has under the actual law a moral certainty of inheriting that estate; but if this Bill should pass he has not even the certainty of possessing his fraction of it, for he is heir at law, not next of kin. But the hardship goes still further, for his father, relying in the continuance of the present state of things, had provided for his other children out of his own resources; but, in the belief that his eldest son would inherit the estate, made no provision for him. So, let this Bill pass, and the poor gentleman will be stripped of all his expectations and turned adrift upon the world. Would you call that a just state of the law? There must, at least, be some retrospective provisions made in case of any such alteration of the law as my hon. Friend proposes, by which such hardships as I have mentioned may be dealt with. No doubt there is a substratum of fact in the grievances alleged. The law of trusts is cumbersome, both with regard to the trustees and to the expenses of settlements. But we are in the right way of settling those questions in the power we have given to County Courts, by which we have brought the law nearer than ever to every man's door. Let us go on as we are doing, till we make the drawing up of a will so easy as to be comprehended by every man, and even the drafting of a settlement a cheap and easy process. If there are any difficulties in the way that are not already removed they may easily be smoothed down by further legislation based on the old lines. Let us, I say, walk steadily on in this course and the real evils, which this Bill seeks to remove, will be remedied; while the grievances which I have pointed out—the oppression of small holders—the accumulation of property—the upsetting of the credit of the landowners—the chance of breaking up estates, which are the grievances which this Bill would produce, will not take place. I trust the House will act now as it did before—as it did in 1859 and in 1866—in 1859, under the advice of Palmerston and Lewis; in 1866, under that of the hon. and learned Member for Richmond (Sir Roundell Palmer), who, as Attorney General, earnestly opposed it, and of the present Prime Minister then Leader of the House, who said of this very Bill—

> "I am not aware of any sufficient reason for the passing of such a Bill as this, and I am opposed to the principle of the Bill. I am far, however, from regarding the present state of the law as perfectly satisfactory"—[None of us do.] . . . "My hon. and learned Friend the Attorney General has explained his views with great force and clearness, and, without adopting particular expressions and every incidental sentiment in the general views of my hon. and learned Friend, the Government—or, at any rate, I—heartily concur."—[3 *Hansard*, clxxxiii., 2007.]

The House, in 1866, went to a division, with those words of the now Prime Minister ringing in its ears, and they rejected the Bill by a signal majority, only 84 voting for it and 281 against it; and, as the House did then, so I trust the House will now divide against this Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Beresford Hope.*)

MR. W. FOWLER: I am desirous, Sir, of stating my reasons for supporting the Bill of the hon. Member for Surrey (Mr. Locke King). I think that the arguments which have been advanced against this Bill are extremely vague and shadowy, while the arguments in its favour are very clear and precise. I confess, Sir, that on this subject my opinions have changed. There was a time when I viewed primogeniture in case of intestacy with favour, because I thought that it was so associated with the great institutions of the country that it could not safely be touched; but I think I was mistaken in this, and I maintain that if the institutions of the country are dependent on an unjust and unrighteous law, those institutions had better look to themselves in time. I consider that the law should act fairly and justly, and I think it impossible to say that there is, *primâ facie*, any distinction between one child and another, as regards the parents; and, in fact, it often happens that a younger child, from weakness of constitution, has more claim than the elder for support and care. Sometimes it is said that people know the law, and if they do not make wills it must be supposed that they mean the law to take its course. But this argument loses sight of those visitations of Providence by which a man may be suddenly cut off by a railway accident or paralysis, or the like. In such cases the law may have a result which the deceased man would have utterly repudiated, if he could speak his mind. The more I think of it, the more convinced I am of the injustice of the existing law. As was once said by the President of the Board of Trade, no one would dare to propose such a law as to the devolution of personalty; and if it is wrong as to personal estate, how can it be just as to land? But it is said that land and personalty differ. I admit they do, but this argument, if carried out, would prove more than some hon. Members would like, for it would show that strict settlements are more injurious in the case of land than in the case of personalty, because, comparatively speaking, it matters not who is owner of personal estate, while it is of vast importance that land be held by men who can do it justice. I desire to see the land free, and the more easily it is sold and allowed to pass from hand to hand without trammels and complications the better. It is not so much this law which keeps estates together as the wide powers of settling land which are given by our law. The hon. Member opposite is afraid that the land of some of the small proprietors will be sold if the Bill becomes law. This may be so, but I had rather see the land in the hands of men of means than in the hands of those who go on year after year doing nothing to improve its condition. The absurdity of this law is in nothing more remarkable than in the distinction which has been mentioned between freeholds and leaseholds. As I have said, we are told that there is a distinction in kind between land and personal estate, and this is used as an argument in favour of the law now under discussion. But if I buy a great estate, and build on it a great house, and have the conveyance made to me for a term of 999 years, I should be really the absolute owner of the land, and yet the law would treat this estate as personalty, and it would pass to my executor or administrator. If, on the other hand, the conveyance were made in the usual form in fee, it would pass to my devisee or heir as realty. If the distinction is based on the difference between land and personalty, such a state of the law is absurd. But the fact is otherwise. The truth is that we have obtained these distinctions from the feudal system. That system may have been very good in its day, but we cling to all sorts of antiquated rules and distinctions which are inapplicable to the present condition of our society. An hon. Member lately said that our money market is the "laughing-stock of the world." He would have been much nearer the mark if he had said this of our law of real property. I believe, Sir, that our law alone holds fast by all these refinements and absurdities, and I know of no other civilized country where such a system would be tolerated. I have said that it is not easy to discover what are the arguments against the Bill of the hon. Member for Surrey. One argument is that the institutions of the country are bound up with the present law, and this remark is applied especially to the Peerage. Now I have not so bad an opinion of the Peerage as to suppose that such is the fact; and I ask the House to remember that great estates are kept together by settlements and wills, which will not be affected by the proposed change of the law. If any man says that the existence of the Peerage depends on an unjust law, it is the hardest thing that has ever been said of that august body. Then, Sir, some say that the change proposed would be very inconvenient in the case of very small properties. It is impossible to legislate for any particular class of properties. We must make a good law, and leave it to work out its own results. We cannot base our legal system on such distinctions. Then we are told that the proposed change would lead to partition of estates. For my own part, I am not afraid either of subdivision or of accumulation. I would leave things to their natural tendency—the man of wealth to get land, and the man in debt to get rid of it. The proposed change will not compel divisions, for every man will be free to make a will. Much has been said against the French law and compulsory division. I am opposed entirely to the adoption of any such law, and I would far rather leave things as they are than make any such change. There is, however, a good deal of misconception as to the history of the French law. The fact is that the subdivision of land in France began before the Revolution, as appears from Arthur Young's famous work. He estimated that one-third of the whole kingdom of France was in the hands of very small proprietors, who were wretched cultivators. This showed that causes other than the law of the present code were in operation to cause subdivision in France. As to ourselves, we should remember that, as the hon. Member opposite (Mr. Beresford Hope) said, the country is growing in wealth, and becoming more and more commercial in its pursuits, and the tendency of commerce is to make all articles free, whether land or corn. The hon. Gentleman opposite says that the Bill will tend to break up the system of creating small freeholds for voting purposes. He has urged, too, that the law should be moulded to meet the cases of certain people who die under age, and of others who die when of unsound mind; but I say it would be absurd to base our legal system on exceptional cases. The question is, what do justice, common sense, and right reason demand in the matter? This question must not be dealt with in a partial, nibbling way, but on broad and sound principles. I wish to refer to an argument used some years ago by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). He said that the tenure of land was the bulwark of the freedom of the nation. That is certainly rather a vague statement. I think, on the contrary, that the freedom of the country is not dependent on the tenure either of land or personalty, but on the intelligence and character of the people; and I maintain that they won their freedom against the opposition of the owners of land in the time of the Civil War, and again when the Free Trade struggle took place. I am convinced that the more the House considers this question, the more clear it will become that justice demands the change advocated by the hon. Member for Surrey. I trust that the House will reverse the decisions to which it has come on former occasions, and thus prevent our system of land tenure from being disfigured by a provision which is contrary alike to common sense and common justice.

MR. GOLDNEY observed that the last speaker had said the law should be based on common sense and justice. The hon. Member for Surrey (Mr. Locke King) had laid down the principle that there should be a just and uniform law to apply to all persons who died intestate, and the hon. Member for Stroud (Mr. Dickenson) had stated that the law should be simple and intelligible. He contended that the Bill before them accomplished none of these things. It laid down a principle in the Preamble which might or might not be right, but the whole scope of the clauses which followed was to undo and qualify that principle. Though he thought it desirable that real estates should be held generally by the eldest members of families, in order to encourage the younger branches to persevere in a course which had tended so much to the advantage of the country, going into commerce, or swelling the tide of emigration, he admitted that the proposition contained in the Preamble of the Bill, that it was expedient that the law of succession to real estate in cases of persons dying intestate should be the same as the law of succession to personal estate in the like cases, was intelligible and sensible; but before they dealt with that matter the whole subject should be considered together, and not in this isolated way. In 1834, a Royal Commission was appointed to consider the whole of the laws affecting real property —the laws relating to wills, dower, entails, and descents, and they came to the conclusion that those real property laws were wise laws. It was absolutely essential, in dealing with real property, that the law should be clear, intelligible, and fixed; and though, in some cases, the existing law was onerous and oppressive upon poor people, still, on the whole, it worked well. In the Preamble of the Bill it was stated that, in the case of all persons dying intestate, the same law should apply to real property as applied to personal property, but that would lead to many cases of great injustice, for the law of personal estate, as it at present existed, was most unsatisfactory. In the case of a person who made a will and then married, the marriage voided the will; and a still harder case was that of a widow having a son by her first husband, but who, on marrying a second time, found that she had no power of making a will and leaving her property to the child whom she would naturally wish to succeed to it without the sanction of her second husband. If the husband did not give his consent to its diversion in that way, the property would fall to him. Another hard case was that of a man whose son had died leaving a child. The property in that case would not go to the grandson, because the grandfather's brothers and sisters would stand in equal relationship, although the grandfather would naturally have wished his grandchild to succeed. So much, then, for the common sense and common justice of a measure which would give rise to such a state of things. In the case of a man who died suddenly, without having time to prepare his will, although that man might have wished his property to go wholly to his wife, some fifteenth cousin or other remote relation might come in and share it equally with her. The feeling of the people generally was opposed to such a measure as this, and therefore the Bill would be inoperative in the great majority of cases if it became law. If such a measure were passed at all, it should be passed in the simplest form, and without the many restrictions which were now contained in it.

Mr. LEVESON GOWER said, he had great pleasure in supporting the Bill of his hon. Friend. He had been in favour of a measure of this sort ever since he first considered the subject, even when it was viewed with more dread than it was at present. He could not agree with the hon. Member for the University of Cambridge (Mr. Beresford Hope) that this Bill tended to confiscation; if he thought so, he certainly would not support it. That hon. Member specially deplored the effect it would have on small proprietors, of whose condition he drew a melancholy picture; but perhaps the best thing these small proprietors could do would be to sell their freeholds, pay off their mortgage debt, and divide the proceeds among their children. But if they did not wish to do that, this Bill did not prevent them from retaining their freeholds in the possession of their families. Any schoolmaster or neighbour could draw up a will securing the freehold to the eldest son. The supporters of this measure were accused of a desire to introduce into this country the succession law of France; but no one was more opposed to that law than he was, believing as he did that it weakened parental authority, and discouraged at once the accumulation and employment of capital by forced sales of industrial undertakings on the death of a partner. He was not in favour of the equal distribution of property among children, but that was not the question which was before the House. The question really was, not between a more or less equal distribution, but between a distribution of the property and no distribution at all. He could never bring himself to think it just that all the real property in a family should go to one individual, all his brothers and sisters being left entirely destitute. He was in favour of a man leaving the bulk of his property to his eldest son, and well educating his younger sons, so that they might make their own fortunes; but he could not concur in the opinion which was encouraged by the law that the eldest son had a natural right to the property of his father. He could not conceive how the present law of intestacy could be defended. He was sure that if they were called upon in the present day to legislate in a matter of this kind for a new country, no one would be found to propose the adoption of such a law. There were many cases in which men with colossal fortunes had died, and many of their nearest relations had been left almost in penury. If a parent made no will, the State should take care that the property was equally divided among the children. It was said this measure would be subversive of the aristocracy. He altogether denied that such would be the result. The aristocracy had ample means to secure their position under the provisions of that Bill, and could never be benefited by the maintenance of laws which were unjust.

Mr. G. GREGORY said, the operation of such a measure would be infinitesimally small. So long as we had succession to hereditary rank, we should have succession to large landed properties, and no people were more disposed to give effect to that principle than those who had gathered together their property by their own exertions. It had been said that any schoolmaster or neighbour could draw up a will, but such wills did not do so much good to anyone as to the legal profession, for it was no easy thing to make a will, and especially a will dealing with real property. He thought the hon. Member for the University of Cambridge (Mr. Beresford Hope) had correctly described the measure as one tending to the confiscation of small properties. How could such properties be divided except by sale? They would have to be realized at all hazards. The effect would be the aggrandizement of large estates, while the expenses would almost eat up the small properties thus brought to the hammer. With these views he felt obliged to oppose the Bill.

Mr. BUXTON said, he should support the Bill. The great argument now used against it was that it would destroy small properties; but the main fear of the Conservative party in previous years with regard to such a measure had been the very reverse—that it would lead to the breaking up of large properties. He thought it was a great mistake to treat this as a slight and unimportant measure. Perhaps its direct effect might not be very great, but as regarded the principles that underlay it and its ultimate tendencies, the step which it was proposed to take was one of no small consequence. The existing law took its rise in a state of things very different from that of our own day, and was no longer in harmony with our social condition. It originated in the days of feudalism, and was, no doubt, a necessary support of the social system founded on feudality, but being out of gear with the present state of things, many of its results were anomalous and absurd. For example, thanks to the building societies, we had in England at the present time some hundreds of thousands of tiny freeholds, all of which came under the sway of this law. So that if these little proprietors omitted to make a will, after having thus invested the savings of their life, instead of their having made a provision for their families, the eldest son was treated as if he was the heir of a great feudal estate, and stepped into possession of his father's earnings; his brothers and sisters were turned out unprovided for into the world. He had himself seen the absurdity, or rather, he should say, the cruelty, with which the law constantly acted in this respect. One of his own gamekeepers, for example, an industrious and saving man, not long ago purchased a cottage and garden with the savings of his life. Unhappily he died not long after, leaving a widow and family of young children, the youngest of whom was a little boy. The consequence was that this little property was now in trust for this little heir, while his mother and he himself and his brothers and sisters were plunged into extreme poverty. He must, however, candidly own that it was very easy to imagine cases in which, if the law were altered as his hon. Friend (Mr. Locke King) desired, a very great hardship would be inflicted by the compulsory sale of little freeholds, when the proprietor died without making a will, in the full assumption that his eldest son would inherit it from him as he, perhaps, had inherited it before, It seemed to him, however, that if this Bill were carried any danger of that sort might be greatly diminished by a provision into the details of which he would not enter; but to the effect that in case of anyone dying intestate the real property should not necessarily be sold for the benefit of the whole family, but that the eldest son should have the option of taking possession of it, paying an annual percentage on its value to the other members of the family. But, in truth, whatever the law was, it would be impossible to avoid serious inconveniences where, either from ignorance, or procrastination, or negligence, or any other cause, a man died without making a disposition of his property. He did not himself think that cases that might be alleged on either side as to such inconveniences were very much to be considered. It was very difficult to reckon up the possibilities of hardship on either side, and then to strike a balance between them. But what they could do and what they ought to do was, that when the father of the family had gone without making any disposition of his property, so that the Legislature, as it were, stepped into the place of the parent and had to act for the benefit of the children, it should do that which was most just and most fair with respect to them. Now, could it be just, could it be fair, that in such a case the law should select the eldest son, and give him the whole of the real property without making any provision for the younger children? The very fact that, as regarded personal property, the law made an equal and fair distribution of it among the children was an admission on the part of the law that this was what true justice required. The distinction between real and personal property in these days of multifarious investments had become one so utterly artificial—one he had almost said so preposterous—that he could not see how it was to be maintained. The line drawn by the law had no foundation in reality. The question which this Bill undoubtedly raised was whether the law of England should be on the side of a greater division of landed property, or was to go on fostering its accumulation in fewer and fewer hands. Not that this Bill would give any sudden violent wrench to the habits of the people. Its direct operation would probably be confined to a comparatively small number of cases, and those not of striking import. That in the long run it would have great influence in preventing the excessive accumulation of landed estates in a few hands was certain; but it would do this through its gradual and gentle influence on public opinion. The fact that Parliament had passed this Bill, and had thus deliberately set its face against the system of leaving property to the eldest son, to the exclusion of the younger, would in reality prove to be a sentence of condemnation pronounced upon that system. He frankly owned, however, that in a vast number of instances, it would not be possible for the proprietor to break through the custom of primogeniture. Where, for example, there was a great country house to keep up, with all the immensity of interests that gathered round it, it was matter of necessity almost for the eldest son to have the main part of the income, otherwise two-thirds of the country houses in England would have to be shut up. But that was no argument against this Bill, which would not force any man to devise his property in a way unsuited to his own case. All it would do would be to foster the public opinion which in time would tend to prevent that piling up of landed properties which had hitherto been so marked a characteristic of our social state. Those, of course, who liked to see the accumulation of land in a few hands, those who thought that the vastness of our landed estates was the pride and glory of England, and the main prop of our social system, were right to fight tooth and nail against a measure which, however gently and however slowly, must, in the long run, tend towards the subversion of those habits of mind from which that system had sprung. For his part he was persuaded that it was a dangerous feature in our social system that the possession of land was a privilege enjoyed by so minute a minority, a minority too, which, most unhappily, was continually on the decrease. No doubt they might bring statistics to show, as the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in answer to Mr. Goldwin Smith, brought statistics to show that the number of freeholders was not less but greater than in the days of Hampden; but those statistics were utterly fallacious. They were, in fact, a mere play upon words. The complaint was that the land in this country was in possession of so few proprietors, and this complaint was not met by the fact that in the neighbourhood of great towns tiny little patches of ground were sold as freeholds, simply for the purpose of building houses upon them. That could only nominally be any corrective to this great evil. Excluding those building societies, he believed he was within the mark in saying that, while England alone contained 32,000,000 acres of land, and more than 20,000,000 of people, those who could properly be called owners of land amounted to little more than 150,000 persons. They all knew very well that there were whole counties in England and in Scotland which, with some trumpery exceptions, were possessed by some half-dozen, or even fewer, great proprietors, whose possessions could not so fitly be called estates as principalities; while the younger branches of the family were too poor in many cases to marry, and had to look elsewhere for support. Now, he had not the slightest feeling of hostility towards those great possessors, nor did he think that any man was so absurd as to dream of any scheme for their forcible disestablishment and disendowment; but he did think that if, without any violence whatever, through the benign action of a wise law on public opinion, they could open the eyes of the nation to the mischiefs arising from a slavish submission to the custom of primogeniture, that would be well for the proprietors themselves and for the whole country. Was it a sound or wholesome state of things that in a multitude of cases, estates, far separate from each other—each with its own country house upon it—should accumulate in the hands of one man instead of each being under the rule of its own separate master? And yet this was the inevitable effect of the system. He could produce a multitude of examples, but it would suffice to mention that there were three hon. Members of that House whose fathers owned among them twenty-four castles and first-class mansions. Of course he should not be suspected for a moment of mentioning this as any cause of complaint against those proprietors. They were all men most highly and most deservedly respected, and were, he believed, excellent and improving landlords. But he asked, was the system a good one which produced this accumulation of great estates, widely apart from each other, in the same hands, by which means there was created in many parts of England that which had been the bane of Ireland—the absenteeism of the owners of the soil? He would put it to any man of common candour which would be best and happiest for all parties concerned—that a whole bunch of great estates should be the appanage of a single man, or that they should be divided among the members of the family? Was it not disastrous to the farmers and other tenants on the property that their landlord should be a stranger to them instead of living in the midst of them, taking a personal interest in the management of his property? It was—and he spoke on this point from what he had seen again and again—it was not less than a calamity to the poorer classes, to the peasantry, that the owner of their cottages should live far from them, and that they should not enjoy the immense advantage of his personal superintendance, and still more, perhaps, that of his family, over their little, but to them all important, concerns. The school, the church, the whole system of self-government suffered, while to the whole neighbourhood, to the tradesmen, to every one near, it was obviously a most serious loss to have the great country seat of the place shut up from year's end to year's end, or only occupied, perhaps, a month or two in the shooting season. He was quite sure that the stagnation, the want of progress in many parts of England, the degraded condition of the agricultural labourers, and the scandalous state of too many of their homes, was in a large degree owing to that accumulation of land in a few hands which many seemed to look upon as such a glorious thing. He confessed himself an advocate of a far greater division of the land. He did not want to attain that end by any rash or violent means. All he sought was that we should remove those artificial obstacles which the law threw in the way of the natural tendency to subdivision. Nothing could be more preposterous than to suppose that those who advocated this policy were revolutionists. Nothing could so much strengthen the landed class, nothing could add so much to the safety of our whole social system, as the removal of those flagrant inequalities of condition which were the direct creation of human law. When the nation had to act *in loco parentis* it should act justly; and what the promoters of the Bill aimed at was to restore a more natural and just tone of feeling with respect to the disposition of property, and to put the law of the land into harmony with the instinctive dictates of parental affection.

SIR HENRY HOARE said, he would beg as a landowner and inheritor of settled property to say a few words. He thought it would be an act of blindness on both sides of the House if they did not support the Bill, which was simply a measure of justice. It might be thought by some that the lands being held in large quantity and in but few hands was a buttress of the Constitution; but he rather considered it a weakness. By increasing the number of landed proprietors they would increase the numbers of the national garrison. It was urged that the area of this country was limited; but it was to be borne in mind that the population was daily increasing, and there was an absolute need for some alteration in the present law. He contended that it was a gross injustice to widows, daughters, and younger sons to deprive them of all share in property which ought properly to be used for their sustenance.

MR. G. O. MORGAN said, he did not think it could be said that a man's eldest son had a greater claim upon him than the rest of his family. If the law of primogeniture were defended at all, it must be defended upon the ground of public policy; and some very strong reason must be advanced for contravening a law of nature by preferring the eldest to all the other children. In feudal times, when England was a fortified camp, it was essential that the land should be concentrated in the hands of as few persons as possible; but though the reason for the law had disappeared, the law itself remained. He had listened in vain for any valid reason in favour of the present law, except that it had existed for several hundred years. Land in this country was every day becoming more and more a rich man's luxury, and that growing tendency of our social system was altogether independent of legislation. All other nations had adapted their land laws to the spirit of the times; but England still clung tenaciously to an obsolete and pernicious system. The cases were very rare in which a parent made an eldest son sole heir; but he had known many cases in which, from the neglect of a small landed proprietor to make a will, his widow and family had been left penniless. A man having a considerable sum of money travelled to a solicitor to have it invested in land. Having completed the transaction, he was unfortunately killed on the return journey, and the property he had just purchased all went to the eldest son, to the exclusion of a large family of younger children. Had the man been killed whilst going to the lawyer his money would have been equally divided; but the other contingency having happened, one child was enriched, and the rest left paupers. What ground could there be for the distinction under which property held for 1,000 years under lease went one way, while property held on fee simple went another? Such a system could answer no useful end whatever, and the only wonder was that it should have lasted so long. He trusted they would not abstain, even at that late period of the Session, from expressing their condemnation of this law.

Dr. BALL said, he disagreed both with those who held that the operation of the Bill would be of limited extent, and also with those who thought that its provisions would be an improvement in the law. In his opinion the Bill would effect an extensive change in the descent and devolution of property. It was true that in the vast majority of cases the landed proprietor preferred his eldest son, but why? It was mainly owing to the law of primogeniture. Every eldest son knew that if his father died without a will, the law gave the land to him; he looked upon the succession as his birthright, and the father was reluctant to interfere to deprive him of that which the law made his birthright. On the part of the younger children there was, on the other hand, an acquiescence in what the law preferred as the course of succession. On the other hand, if upon intestacy all the children were entitled, the result would be that whenever a testamentary disposition deprived any of a share, they would feel as if something to which they had a right had been taken away. The parent would be unwilling by any act of his to create this feeling, and in most cases would bequeath, not to one, but to all his children. He thought there was a better mode of redressing the evils and anomalies of which hon. Gentlemen opposite complained than this Bill—namely, by adopting the principles of a Scotch measure. Until recently, in Scotland, an entail could not be opened when it was fixed in a particular manner. But an Act was passed enabling each owner of that entailed property to charge it with a life rent for the widow and with portions for the younger children. Why should they not pass a real estate Act, borrowing that principle from the Scotch law, and applying it equitably and justly, not, as in the Bill, adopting the principle of an equal partibility of the soil, but making a just provision for the widow out of the value of the soil, giving her a life rent, which was a more suitable provision for a widow than a portion of the land, and charging the land for younger children? If a landed estate in cases of intestacy were charged in the act of devolution with a given proportion for the widow and the younger children, the hardship and anomalies complained of would be remedied. There was, therefore, another mode beside that now proposed of dealing with the only argument of value which could be urged in favour of this Bill, by making for the widow and children a provision proportionate to the value of the soil, and which could be done by a short and simple Act of Parliament, whereby the State itself might apportion a due amount relatively to the value. They were not now discussing whether the law of primogeniture was to be maintained without alteration, but a particular Bill which affirmatively provided that fee simple estates should be divided exactly like personal property. The question was not whether the widow and younger children were to inherit some provision, but whether it would be an improvement in the law to give the ownership of the soil to a number of a family or to one of its members. The arguments on this question had very often been summed up. The subject sometimes was debated as if it were a question between Conservatives on the one hand and Liberals on the other. There need, however, be nothing party or political in it. It was very much an economic question. And hence it had been discussed by political economists who had no leaning either to aristocracy or democracy. Mr. M'Culloch, in a note to his edition of Adam Smith, arrived at a conclusion opposed to the scheme of equal partibility. Its tendency was to effect a general equality in society, and to discourage industry, energy, and enterprize. In France, where this scheme had been in operation, there was a dead level of thought and feeling outside the cities, because the people clung to the land,

and would not embark in pursuits which expanded, invigorated, and enlightened the mind. Before the famine they had an extensive and minute subdivision of land in Ireland, and the result had been described as "huts, potatoes, and beggars." And if this principle of subdivision went on, its tendency was to lessen the holdings, until a large proportion of the proprietors would gradually be absorbed in the mere agricultural labourer. The law of primogeniture had many social advantages distinct from agricultural results, for it had turned the younger sons of great families in this country into commerce, into the Army, Navy, the Church, and the other learned professions. These younger sons had risen to the highest offices, and was not that better than if they had looked forward merely to holding a portion of the soil? He maintained that England had gained largely in her institutions by the present law. What was the condition of farming in France? He knew of no political writer of eminence who asserted that the condition of the agricultural districts of France was advantageous. The Bill did not propose to force the subdivision of property in England, but if it were so advantageous, why did they not force it upon people? The fact was, the supporters of the Bill were afraid of their own principles and distrusted the consequences of their own measure. They trusted to have it mitigated by the wisdom of the parent. Where the principle had been enforced the results had not been favourable. No great writer, from Montesquieu downwards, had ventured to assert that France was to be placed before England in regard to the general comfort, independence, and well-being of the people. The abolition of primogeniture in France had not advanced its agricultural improvement. A succession by the eldest son without obligation to contribute for his mother and brothers and sisters was objectionable, but the measure he had already proposed would remove this objection; it would preserve the principle of permanence in the land, and, at the same time, do justice to the widows and younger children. It was not to be denied that there were solid advantages in the permanence of families caused by primogeniture. Without it, what personal attachment could there be between the owners and occupiers of the soil? They knew how many evictions had occurred in Ireland, and how little sympathy existed between the tenant and the new purchaser who came in to make the utmost possible return for his money. The general feeling in Ireland was strongly in favour of the maintenance of the old hereditary families. How would the Bill operate when the existing settlements had expired? We should come to the condition of France. America and the colonies had been referred to by the supporters of the Bill, but they were not instances in point, because they had an unlimited supply of land. If this Bill passed the probability was that in a few generations there would be an equal partition of the soil; he thought it better for the community that the number of owners of the soil should not be too extensive, and that the younger branches of a family should be obliged to engage in the various occupations in which they now found employment? For this and for the other reasons which he had already assigned, without entering into any arguments founded upon the political constitution of the country, he opposed the Bill before the House.

MR. HINDE PALMER said, he thought the right hon. Gentleman who had just spoken could not have read the Bill, for he seemed to suppose that it was intended to provide for a compulsory partition of the land, as land; the fact being that there was a provision whereby the land might be sold and the money divided among those entitled to share. He agreed in the principle that if the Legislature allowed property in cases of intestacy to go to the elder son, he should be compellable by deed to make a provision for the widow and portions for the younger children. It was, however, almost impossible to frame any statute which would have that operation. They must be guided by the value of the property, which was always changing, and the necessary inquiries and arrangements would involve the family in ruinous litigation. The law did not and could not contain any compulsory provision for the benefit of the widow and children, and this was an argument in favour of the present Bill. That which the House was now discussing was a measure of justice and right. The universal practice of making provisions in settlements for the younger children showed the general feeling that it was unjust that the eldest son should take all. He was glad to see that the measure had not been met on this occasion by any of the political denunciations which had been made against it in former times. Nothing had now been said as to danger to the institutions of the country which would follow from it. Its supporters had no political objects in view, but merely desired to enforce the dictates of strict and natural justice. It might perhaps follow, from the Bill being carried, that a great many small properties would be sold to large holders; but that would be a trifling matter compared with this, that justice would be done. He believed it was true that this Bill would not have an extensive effect upon large properties; because, in reference to the great majority of such cases, the estates were dealt with by will. He had examined statistics which showed that the almost universal practice in this country was to make wills. The property that had passed by will during a year was £34,500,000, while the property of intestates for which letters of administration were granted, amounted only to £3,500,000. The present law, resting on no basis of equity or moral right, ought to be altered; and they therefore asked that it should be made conformable with the law relating to the devolution of personal estate.

MR. HENLEY said, the arguments used in the debate had been large and wide, and had gone far beyond the four corners of the Bill, to which he should confine himself. He wished, in the first place, to ask this question—whether the number of persons having real property who were likely to die intestate would be affected by the operation of this Bill? He would also ask whether educated parties were most to be considered, or that more numerous and less informed class who died intestate, whose interests would be injuriously affected, and whose property would, indeed, be absolutely confiscated by this Bill. He believed that this Bill, in a single generation, would almost abolish the small freeholds of this country. His belief was that in a generation it would almost abolish that class known as the 40*s*. freeholders. The owner of a cottage freehold was quite an exception to his class if he made a will, for there were two things that he was not fond of—the tax-gatherer and the lawyer. The latter, unfortunately, from his want of education, he regarded as a bird of prey. If this Bill passed the small proprietor must have something to do with both the lawyer and the tax-gatherer. He must have to do with the first in making his will, and with the latter after having made it, inasmuch as his property would be liable to legacy duty. In the case of the owner of a cottage worth £40 dying intestate, leaving more than one child, the property would have to be sold in order that its proceeds might be divided, and when the demands of the lawyers, the surveyor, and the Crown had been satisfied, he should like to know how much would be left to be divided. And what would become of the cottage? Why, it would certainly fall into the hands of the neighbouring landowner, who would give the largest sum for it. Thus the result of the Bill would be to extinguish—possibly in a single generation—that large and valuable class of small freeholders which had been created in this country with so much trouble by means of freehold land societies. The more important properties in the country were so tied up and secured by settlements and entails that they would not be affected by the Bill, and therefore he left them entirely out of the question. Although he did not regard the Bill, as some of its opponents did, as a mere step in the direction of still further changes, he should oppose the second reading on the ground that the measure would have the pernicious effects he had pointed out.

THE SOLICITOR GENERAL said, that he had for many years felt a deep interest in this question, and before he took Office his name was on the back of a Bill of this description. He thought that this was an excellent and admirable measure so far as it went, and, therefore, he trusted that the House would pass the second reading, so as to afford an opportunity for considering it in Committee, and remedying any defects of detail it might contain. The Bill had been debated that morning on considerations and arguments which went far beyond the scope of the measure itself, and far beyond any objects that those who brought it forward had present in their minds. Several interesting lectures had been delivered that morning respecting the pernicious effect which subdivision would have upon the cultivation of land, upon the Peerage, and upon the great families of this country, and the discussion had branched off upon topics which the right hon Gentleman opposite, the Member for Oxfordshire (Mr. Henley), said with perfect truth had no application to the measure whatever; because it would have no effect whatever upon large estates, which were usually protected by ample settlements. This country was almost the only civilized country in the world that made any distinction between the laws that governed the descent of personal and of real property. In everyone of the United States (with the exception of Louisiana) the different classes of property rested upon practically the same foundation. Some onus, therefore, lay upon the Legislature that maintained the distinction. Under our present system were a man to die intestate having two houses adjoining each other, the one freehold and the other leasehold—though for a thousand years—by the operation of the existing law the two properties would be dealt with in a totally different way, for the one would technically be real and the other personal property. Surely, such a system required a stronger argument than mere antiquity to support it; but he must confess that he had never heard a single argument brought forward in its favour. Hon. Members had spoken as though this Bill were to force every testator to divide his property; but nothing could be more absurd than to suppose that a permissive measure like this would have any effect in that direction, as long as the sentiment of the people was in favour of transmitting landed estates to eldest sons. It should be remembered that the Bill would operate only in the event of intestacy. Property would not generally descend, according to the principles of this Bill, unless it were agreeable to the general sentiment of the country that it should do so. If the general sentiment were that the land should go to the eldest son, then there being left the option of willing it, such would be its devolution in ninety-nine cases out of 100, and so far the Bill would be inoperative. In every one of the United States the law of devise was as unrestricted as it was in England; but there the estate was never left to the eldest son, because it would be against the general sentiment of the country that it should be so left. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), said the measure would lead to the confiscation of small properties held by peasants, his assumption being that these people generally did not have title deeds and did not make wills. His (the Solicitor General's) experience, as a Revising Barrister in Somersetshire and Devonshire, however, was, that in most such cases there were title deeds and wills, or simple settlements. His experience again, was, that the small holder had not such an antipathy to the lawyers as the right hon. Gentleman seemed to think. Whether, however, there was or was not such a dislike, it was undoubtedly the fact that many of these poor persons were in the hands of the lawyers; and, in his opinion, the foreclosing of mortgages at inconvenient times was much more dangerous to these small properties than the provision of the present Bill. The hon. Member for Chippenham (Mr. Goldney) had made some conveyancing objections to this Bill. In reference to them he would say that it had been drawn by one of the best conveyancers in the country, and that it had been submitted to a very learned Judge, who did not see the objections which had been urged. There were, however, some points in the Bill which would require consideration, and perhaps amendment. The measure, as it stood, would hand over the wife's real estate to her husband absolutely, a result by no means to be desired. The machinery of the Bill appeared simple, and calculated to work easily and well. When it was said that the Court of Chancery would be brought into operation in all cases occurring under the Bill, it did not seem to be recollected that in the cases of small property there would not be a regular Chancery suit, but that the interference of the court would be in a summary way, by saying what would be an equitable way of apportioning the property. In conclusion, he would say that he believed that this Bill was a step in the right direction. He believed further, that it was a very small step, and it was one which he, speaking for himself alone, should like to see followed out to a much greater extent. He admitted, however, that the subject was one to be decided, not in compliance with his own opinion or that of any other hon. Member, but in accordance with the sentiment of the country generally; for, after all, laws relating to property were merely the expression of the general good sense of the people. During the feudal times the feudal laws relating to real property received the support of public opinion; because the keeping the feud together, and the devolution of it to a single person answerable for service and for the defence of the realm, was then almost a necessary institution; but such a necessity never applied to personal property, and the result was that the laws as to the two kinds of possessions were different. Now, however, that those times had gone by, he saw no reason for retaining the laws that were identified with them, and he thought it would be only right to revert to the still more ancient English principle of fairly dividing the property among the descendants of the deceased. He believed that the effect of this measure would for a long time be very slight, because the great bulk of the landed property of this country was under settlement and entail, but that what effect it had would be a beneficial one. It would remove some of the anomalies of the law, for which there was no substantial justification. Any objections which could fairly be taken to the Bill might, as he had already said, be satisfactorily dealt with in Committee; and he, therefore, trusted that the House would think that Government was doing wisely in advising the House to agree to the second reading.

MR. LOCKE KING, in reply, said he wished to draw the attention of the right hon. Gentleman the Member for the University of Dublin (Dr. Ball) to the prosperous condition of Belgium, where the principle of the division of property of a deceased person was adopted, compared with that of Ireland, where the English system was in force.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 169; Noes 144: Majority 25.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Wednesday* next.

## PUBLIC SCHOOLS ACT (1868) AMENDMENT BILL.

On Motion of Mr. Secretary BRUCE, Bill for amending "The Public Schools Act, 1868," *ordered* to be brought in by Mr. Secretary BRUCE and Mr. SOLICITOR GENERAL.

Bill *presented*, and read the first time. [Bill 217.]

House adjourned at five minutes before Six o'clock.

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# HOUSE OF LORDS,

*Thursday, 15th July*, 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Insolvent Debtors and Bankruptcy Repeal* (195).

*Second Reading*—Children, &c. Protection (84), *negatived;* Pensions Commutation* (138); Judicial Statistics (Scotland)* (151).

*Committee*—Endowed Schools (139-192); Bishops Resignation* (171-193); Companies Clauses Act (1863) Amendment* (147); Poor Law Union Loans* (148-194).

*Committee*—*Report*—Poor Law Board Provisional Orders Confirmation* (142).

*Report*—Ecclesiastical Courts* (191); Court of Common Pleas (County Palatine of Lancaster)* (186); Diplomatic Salaries, &c.* (128).

*Third Reading*—New Parishes and Church Building Acts Amendment* (184), and *passed*.

*Withdrawn*—Vaccination Amendment* (85).

## CHILDREN, &c., PROTECTION BILL.

(*The Marquess Townshend.*)

(NO. 84.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS TOWNSHEND, in moving that the Bill be now read the second time, said, that although the previous Bills he had had the honour to submit to their Lordships during the Session had met with an unfavourable reception, he nevertheless thought it his duty to attempt, as far as possible, to mitigate the sufferings to which many helpless classes were exposed. He had often been struck by cases brought before the magistrates in which children, pupils, and servants had been treated with inexcusable severity, but which the magistrates were frequently obliged to dismiss, owing to the difficulty of drawing the line between punishment and cruel treatment. He thought the best way of putting an end to this difficulty was to make the infliction of personal punishment on these classes altogether illegal, and for this purpose he had introduced this Bill. The 1st clause provided that the birch rod should be the only instrument used in punishing persons under sixteen; the 2nd, that no schoolmaster should inflict corporal punishment on any pupil under sixteen for inattention to his studies; the 3rd, that no child under sixteen should be struck on the head or face; and the 4th prohibited any master or mistress from striking or inflicting any corporal punishment whatever on any apprentice or servant; the penalty for any of these offences was a penalty not exceeding £5 or two calendar months.

*Moved*, "That the Bill be now read 2ª."—(*The Marquess Townshend.*)

THE EARL OF AIRLIE said, this was one of the most extraordinary Bills that had ever been presented to Parliament. Clause 1 declared it to be unlawful for anyone but a parent to inflict corporal punishment on a child except with a birch rod. This absurd enactment would debar an uncle or aunt with whom a child might be staying from giving it a "smack" with the palm of the hand on the face or the use of anything other than a birch rod. He objected to the application of the Bill to Scotland. In that country the birch rod was unknown as an instrument of chastisement, and the youth of Scotland would probably object to its introduction. He thought their Lordships had some ground of complaint against the noble Marquess for the perpetual introduction of crude and useless measures, and raising discussion upon them. It might be a harmless amusement when their Lordships had nothing to do; but it was not becoming that their time should be occupied by Bills of this kind when there was important business on the Paper. He moved that the second reading be deferred for three months.

Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(*The Earl of Airlie.*)

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative*; and Bill to be read 2ª, *this day three months.*

## ENDOWED SCHOOLS BILL—(No. 139.)

(*The Lord President.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

*Moved*, "That the House do now resolve itself into Committee."—(*The Lord President.*)

THE DUKE OF RICHMOND said, that the second reading having occurred on a day when many of their Lordships were necessarily absent, having received Her Majesty's commands, but little discussion took place on that stage. He did not intend, however, on this occasion, to raise a debate on the general scope of the measure, but simply to refer to that large and excellent foundation, Christ's Hospital, of which he was a Governor. There was, no doubt, a great deal in the Bill which would prove beneficial in the case of many endowed schools throughout the country which had become ineffective, or which had been diverted to purposes wholly contrary to the intentions of the founders: but that charge certainly could not be made against Christ's Hospital, which was one of the finest and noblest institutions in the country, and had been a great blessing to an enormous number of the poor and ignorant throughout the country. Indeed, the Royal Commissioners themselves admitted in their Report that some consideration seemed to be justly due to the past history of so remarkable a school, and to the attachment which it had inspired in the hearts of many of its scholars; and, they added — "Christ's Hospital is a thing without parallel in the country, and *sui generis.*" Now, it was on account of its being without a parallel and *sui generis* that he wished to press on the noble Earl who had charge of the Bill (Earl de Grey), the propriety of treating it in an exceptional manner, and of excluding it from the operation of this Bill, which would otherwise have a very disastrous effect upon it. The Commissioners described it in these terms—

> "Christ's Hospital is a boarding school offering free education, and drawing its scholars from all England. It has ancient traditions and venerable memories; and it has in an especial degree succeeded in inspiring the very warmest attachment in the minds of its pupils."

Mr. Fearon, one of the Assistant Commissioners, stated—

> "Since my Report was printed and submitted to the Commissioners I have had notice of certain alterations. These alterations will tend to palliate, if not entirely to remove, some of the defects which I have described in the present management of the schools of Christ's Hospital; and the action of the Governors in this matter, so quickly taken after my visit to the hospital, furnishes a new proof, if any be wanted, of their genuine anxiety for the welfare of the institution."

This was a proof that the Governors were perfectly alive to the necessity of keeping pace with the times, and that they were anxious to remedy any defects which might have crept into a system which had lasted so many years. He believed, indeed, that a scheme for materially improving the education given there had been under their consideration — particularly in relation to the school at Hertford—but, with the prospect of impending legislation, it had been felt to be impossible to proceed with it. Mr. Fearon acknowledged that Christ's Hospital was a most valuable and useful institution, and one, of whose past history and present fame the nation might justly be proud. It had existed for upwards of 300 years; and he (the Duke of Richmond) should have had no apprehension of such an institution being interfered with, had he not observed that very extensive powers were to be given to the Commissioners to be appointed under the Bill. The 10th clause enabled them to alter the constitution, rights, and powers of any Governing Body; to incorporate any such body, with such powers as they thought fit, to remove any Governing Body; and in the event of any corporation, incorporated solely for educational purposes, to dissolve such corporation. They might, therefore, annihilate the present government of Christ's Hospital; and he doubted whether it would come within the terms of the 14th clause, exempting certain institutions which had been endowed within the last fifty years, for he feared that the date of its foundation would exclude it from that provision. A circumstance had recently occurred which made him somewhat apprehensive on this point. He bore cheerful testimony to the high character of the noble Lord (Lord Lyttelton), to his classical attainments, and to his interest in everything pertaining to education; but some remarks made by the noble Lord at a meeting of the Social Science Association on the 8th instant, presided over by Lord Stanley, had made him apprehensive that Christ's Hospital would be dealt with in a very injurious way by the three new Commissioners, of whom the noble Lord was to be the chief. The noble Lord, taking part in a discussion on a paper by Mr. Arthur Hobhouse, who was to be one of his colleagues on the Commission, upon the limitations which should be placed on dispositions of property to public uses, remarked that under this Bill the Commissioners would have very large powers of carrying out the principles affirmed by Mr. Hobhouse. Referring to their being both members of the Commission, he went on to say—

> "Under these circumstances, he felt it incumbent upon him to state clearly and publicly the manner in which he should feel it his duty to use the power committed to him; while, at the same time, he could but repeat a doubt which he had already expressed, whether the Government would act wisely in intrusting such large powers to men who were already publicly committed to the manner in which they would exercise them. For this very reason he at first declined the Chief Commissionership under the Act, and he still doubted whether the managers of endowed schools had not some cause of complaint in not being placed under the control of men of less pronounced views on this subject than himself, who had taken so prominent a part in the Schools Inquiry Commission, and Mr. Hobhouse."

Now, he was not objecting to the appointment of the noble Lord, who, he was sure, would always carry out what he conscientiously believed to be for the benefit of the poor and of learning; but, the noble Lord having such strong views on the question, he feared the present government of Christ's Hospital was likely to suffer at his hands. The noble Lord went on to say—

> "He was quite prepared to say, that, after the lapse of a certain time, the mere will of the founder ought to be entirely disregarded."

LORD LYTTELTON believed his words were "might be," and not "ought to be."

THE DUKE OF RICHMOND said, he could not vouch for the verbal accuracy of the report; but the noble Lord's view evidently was that, after the lapse of time, the will of the founder might be disregarded. Now, with regard to Christ's Hospital, the founder might be said never to die, for new subscribers were constantly joining, who subscribed because they wished the same system as had hitherto existed to continue. The noble Lord, however, as a member of the Commission of Inquiry, probably took an active part in the drawing up of the Report, and if the Report contained any passages antagonistic to the present management of Christ's Hospital it might fairly be inferred that the noble Lord, in his new capacity of Chief Commissioner, would not be likely to depart from those words. Now, the Report stated—

> "We propose to keep the boarding school, to keep the free education, and to keep the area; but to fill it by competition and to re-organize the government."

If this scheme were carried out, Christ's Hospital would cease to be a charitable institution for the relief of the poor and ignorant, and for classes that would otherwise have no means of obtaining education, and would be filled by sharp boys who were able to undergo a competitive examination. Noble Lords who were Governors were aware that many heartrending cases of destitution were brought under their notice by applications for admission to the institution, some of the applicants having belonged to the higher classes, but having become impoverished through unforeseen circumstances; and boys of all classes had thereby become useful and religious members of society. It was because he feared that these benefits would be henceforth denied to the class which had hitherto enjoyed them, and that the whole system which had been so great a blessing would be changed, that he was anxious for the exclusion of Christ's Hospital from the provisions of the Bill.

THE DUKE OF CAMBRIDGE said, he desired to make a few observations on this subject, having the honour to be President of Christ's Hospital, and naturally feeling much interest in its welfare and management. When this Bill was first introduced into Parliament, he and the other Governors of Christ's Hospital felt considerable alarm at the power vested in the Commissioners, they accordingly requested an interview with his noble Friend (the President of the Council) and the Vice President (Mr. W. E. Forster) with reference to the scope of the measure. His noble Friend (Earl De Grey) received them very cordially, and though he would not at all entertain the idea of specially exempting the institution from the Bill, he promised that, in conjunction with the Vice President, he would consider the representations the deputation had laid before him, in order to see whether by some arrangements of details they could not be accepted, without conflict with the general scope of the Bill. Since that interview the Bill had been amended to a great extent in the sense urged by the Governors; and it now gave them the power of preparing a scheme, while it offered a safeguard against any adverse scheme being carried into operation until it had been laid before Parliament. The Governors, he believed, were perfectly satisfied as regarded the intentions of the Government; but he must confess that his views, and those of the Governors, in regard to the measure, had been considerably modified by the observations made by his noble Friend (Lord Lyttelton), who was to be Chief Commissioner, at a recent meeting at the Society of Arts. He had strong faith in his noble Friend's honest and straightforward discharge of any duty assigned to him under the Bill; but this very faith in his honesty made him the more alarmed by the speech to which the noble Duke (the Duke of Richmond) had referred, and to which he had himself intended to call attention. His noble Friend, he was convinced, would do what he believed to be just and right; but, judging of his views from his speech and from the Report of the Royal Commission, the Governors were naturally apprehensive that the views which had been so fully expressed would be carried out. He should rejoice to hear from his noble Friend that that apprehension was groundless, but he wished it to be understood that while the Governors had been perfectly satisfied with the explanation of the noble Earl (the President of the Council) and the Vice President, their feelings had sustained a shock from the speech of the noble Lord (Lord Lyttelton) to which he had referred. He trusted that his noble Friend would take the present opportunity of explaining his views on this subject, and, if possible, of showing that he (the Duke of Cambridge) and the Governors of Christ's Hospital were mistaken in the conclusions they had drawn from his speech.

LORD LYTTELTON said, that before addressing the House in answer to the questions which had just been put, he desired to express his deep regret at the sudden death of the distinguished Member of the House (Lord Taunton) who presided over the Schools Inquiry Commission. Other noble Lords could better speak of the eminent qualities which distinguished him when filling high offices in the State; but having served continuously under him for three years—during which period he himself did not miss a single meeting — while his lamented Friend, at his advanced age, did not miss more than two—and those only on occasions when other important public duties prevented his attendance — he ventured to say that every member of the Commission was strongly impressed, not only with the noble Lord's intellectual qualities, but with his whole character, which induced a feeling of deep personal attachment to him. With regard to his (Lord Lyttelton's) intended appointment as Chief Commissioner, he was bound to say that there was much force in the remarks of the noble Duke (the Duke of Richmond) and of the illustrious Duke on the cross-Benches, who had given such assiduous and valuable attention to the affairs of Christ's Hospital. He felt the force of the objections to his appointment owing to his connection with the Report of the Commission of Inquiry. That Commission was called upon to deal specially with the case of eight or nine large and eminent foundations — of which Christ's Hospital was by far the most remarkable —and in their Report, founded on an investigation of three years, they recommended sweeping changes. He was not aware what had since been done by the Governors; but he had not the least belief that they intended going nearly so far as the Commissioners proposed. He still felt that being himself committed, not only to certain great principles, but to their application to certain great institutions, the managers of them had a fair ground for apprehension and objection with regard to his appointment. He could not pretend to say that he had changed his opinions on those subjects, or that, as at present advised, he should not endeavour to give effect to them. As to the speech, however which had been quoted, he had said nothing new on the subject of Christ's Hospital or any other institution. The discussion in question was on the general subject of the degree of weight to be given to founders' wills long after their death; and he (Lord Lyttelton) could not go quite so far on that subject as Mr. Hobhouse, a distinguished Chancery barrister, who had not felt himself precluded by his intended appointment on the Commission from giving expression to his views. He was not aware, however, that anything was said that went beyond the views laid down in the Report of the Commissioners. The Bill, it should be remembered, though its intention was to deal freely with these institutions, indicated no particular point of detail. At first, he (Lord Lyttelton) refused the appointment, feeling that the managers of schools, and of these large endowments in particular, had a right to urge that Commissioners should not be appointed committed to a foregone conclusion, but that they should come entirely free to the subject. The Government, however, took a different view, and he did not think it was for him to press the objection. He was not committed to any particular step with regard to any school or to any point in the Report, and he should undertake the office with as little bias as possible, and should be willing to hear and consider any representations which might be made on any matter. The powers of the Commissioners were by no means absolute, for these institutions had the right of initiative, and no scheme to which either House of Parliament objected could take effect; besides which the Commissioners' schemes would have to be approved by the Committee of Council before they could be submitted to Parliament.

Earl DE GREY and RIPON said, that he would confine his remarks to the case of Christ's Hospital. He was very glad to hear from the illustrious Duke that the Governors of that institution—in which he had taken so great an interest, had been satisfied up to a certain time with the arrangements which had been made with respect to this measure when passing through the House of Commons. This was no more than he should have expected; for, in March last, a deputation of the Governors, accompanied by the illustrious Duke, waited upon him and his right hon. Friend the Vice President, and asked that they might have the same power of initiative in reference to their school as had been given to the seven public schools which were dealt with by the Act of last Session; and, having given consideration to the argument then adduced, it had been arranged to grant all—indeed, more than all—that was asked, for the Governors of Christ's Hospital would have an initiative of a larger and more extensive kind than that which was given by the Public Schools Act. He had heard of the alarm created in the minds of the Governors of Christ's Hospital by the speech of the noble Lord (Lord Lyttelton). His noble Friend, however, on that occasion did no more than express his general adherence to the principles of the Commissioners who had reported upon this matter; but he never intended to pledge himself in any reference to any particular institution.

THE DUKE OF RICHMOND observed that what he referred to was, that the Commissioners, in their Report, had expressed the opinion that Christ's Hospital School should be filled by competition, and that the government should be re-organized. The noble Lord (Lord Lyttelton) had assented to that Report, and he would be one of the future School Commissioners. It was for this reason that his speech at the Society of Arts had excited alarm.

EARL DE GREY AND RIPON said, he could not for a moment suppose that his noble Friend would have accepted his appointment of Chief Commissioner unless he had felt himself perfectly free; and further, he would be distinctly and definitely bound to enter into the case of every individual institution. This he must do, without any prejudice or foregone conclusion whatever, and decide upon the merits of the representations made. The noble Duke had said that this Bill virtually gave the Commissioners power to deal as they liked with Christ's Hospital; but, in truth, it did nothing of the kind. What it did was this. It gave to the Governors of Christ's Hospital the period of one year —a longer period than was given by the Act of last Session—to prepare their own scheme, which would be submitted to the Commissioners. This the Commissioners were bound to consider; and, if they disapproved it, they would have to draw up an alternative scheme, and communicate it to the Governing Body, who would then have three months to prepare a second alternative scheme. The Committee of Council would then consider both these schemes, and would submit a scheme to Parliament, an objection to it by either House of Parliament being fatal to it. There was no such provision in the Public Schools Act. His noble Friend (Lord Lyttelton) would enter on his duties with a mind perfectly free to consider the case of every charity and any proposal it might make; and he thought it was an advantage that one of the Commissioners should have previously inquired into the subject. The Government fully recognized the importance of Christ's Hospital, and its strong claims on public sympathy, and he believed the Bill would not, in the slightest degree, endanger its interests. He could not, therefore, consent to an Amendment excluding it from its operation.

LORD OVERSTONE thought it not unreasonable that the suggestion that Christ's Hospital should be filled by competition should excite alarm, because the institution was, to a great extent, maintained by donations by which the individuals acquired or purchased right of presentation to the school. Many of the donations were given in early life, so as to secure a long succession of appointments; and, if the principle of competion were introduced, he should like to know what would become of the interests of such contributors.

EARL GRANVILLE said, he believed that the 13th clause would meet that part of the case.

THE MARQUESS OF SALISBURY said, the Government seemed to desire the noble Lord (Lord Lyttelton) to perform a psychological dissection of himself of a remarkable character. They wished him to destroy all consciousness of former opinions, and, as though he had never had any, to exercise a discretion on matters with which those opinions were deeply concerned. Now, whatever power of self-involution or evolution the noble Lord might have, he would find it difficult to perform that operation, and he hoped he would not be offended by being compared to a man very distinguished in the history of this country, Mr. Beales. Mr. Beales having strong opinions in reference to political matters, and being also a Revising Barrister, was called upon to give decisions in matters in which those opinions were involved. But the Lord Chief Justice being of opinion that Mr. Beales was incompetent to act judicially and impartially in the decision of those questions, removed him from his office of Revising Barrister. This somewhat applied to the noble Lord, and in a greater degree to Mr. Hobhouse—for he could not see what chance an unfortunate school would have that got into Mr. Hobhouse's clutches. Considering the known opinions of two out of the three Commissioners, it would be necessary to watch very jealously the large powers which the Bill proposed to intrust to them.

Motion *agreed to:* House in Committee accordingly.

Clauses 1 to 7, inclusive, *agreed to.*

Clause 8 (Saving of certain schools).

EARL NELSON said, that the clause, as it stood, exempted the elementary schools receiving grants from the Committee of Council on Education from the operation of the Bill. That he did not object to. But the clause went further, and exempted also the endowments of these elementary schools. He held that no endowments had failed more than these small endowments of elementary schools. He knew an instance, in his own neighbourhood, in the case of a school over which a master and mistress were placed who were quite unfit for their positions. He was unable to secure the assent of a majority of the Governors to the removal of these persons; from an idea that the endowment was sufficient nobody but himself subscribed to the school. Ultimately, under the threat of appointing another master and mistress to assist them, they withdrew on a pension, and as soon as a better class of education was attempted large subscriptions were given, and Government Grants obtained, and a good school for both sexes established. He wished to see a connection established between the elementary schools and the higher schools, and he thought that if the endowments of these elementary schools could be appropriated to scholarships in middle-class schools, they would be the means of enabling a clever boy of the labouring class, at all events, to rise out of his class, and perhaps ultimately to go to a University. A ladder had been referred to by Mr. Forster, but it was essential that the lowest step of the ladder should be secured.

Amendment *moved*, lines 14 and 15, to leave out ("or to the endowment thereof.")—(*The Earl Nelson*).

EARL DE GREY AND RIPON said, he would support the Amendment.

THE DUKE OF MARLBOROUGH remarked that at present the amount of the endowment was often deducted from the Parliamentary Grant. If this was abandoned he should not object to the Amendment.

LORD CAIRNS pointed out the unfairness of bringing within the Bill a class of schools which had no notice, and as to which Parliament possessed no information.

Amendment (by leave of the Committee) *withdrawn.*

Clauses 9 to 11, inclusive, *agreed to,* with Amendments.

Clause 12 (Schemes to extend benefit to girls).

LORD LYTTELTON proposed an Amendment for the purpose of extending more fully to girls the benefit of certain endowments. So far as the two sexes were concerned there was no reason why endowment should not apply to both, and that it should be dealt out as fully to one as the other.

Amendment *moved,* to leave out Clause 12, and in lieu thereof insert the following clause:—

"In framing schemes under this Act, provision shall be made for extending to girls the benefit of endowments on equal terms with boys, so far as the circumstances of the case shall admit."—(*The Lord Lyttelton.*)

EARL DE GREY AND RIPON said, he preferred the clause as it stood. It was not desirable to unnecessarily tie up the hands of the Commissioners.

Amendment *negatived.*

Clause *agreed to.*

Clause 13 (Saving of interest of foundationer, master, governing body, &c.).

THE DUKE OF SOMERSET thought that due respect has scarcely been paid to vested interests. It was not, for instance, fair to say to the Governors of Christ's Hospital that their privileges should be taken from them on the plea that they had in times past received more than the value of their money.

EARL DE GREY AND RIPON said, he could not consent to regard the Governors of these institutions as possessing the same kind of vested interest in the schools that the shareholders in a company did in their property. Any representations, however, made with reference to any particular case would receive the attentive consideration of Her Majesty's Government.

THE DUKE OF CAMBRIDGE agreed with what had fallen from the noble Duke (the Duke of Somerset) with reference to Christ's Hospital. The value of the presentations consisted in the privilege which the holder exercised, and not in their money value.

Clause *agreed to.*

Clause 14 (Saving for modern endowments, cathedral schools, &c.)

THE MARQUESS OF SALISBURY desired to restrict the area over which the destructive action of his noble Friend was to range. Settlements were daily made which extended over the fifty years provided in this clause; and he believed the action of benevolent founders would be seriously discouraged if it were understood that their bequests might be diverted from the objects for which they were made within fifty years of their death.

Amendment *moved* to leave out ("less than fifty years before the commencement of this Act.")—(*The Marquess of Salisbury.*)

EARL DE GREY AND RIPON said, that the proposed Amendment would seriously impair the working of the Bill. He believed that in many instances benevolent persons who had witnessed the evil results of a too strict adherence to the intentions of testators would be deterred from leaving their money for benevolent purposes if they knew that under no circumstances whatever could the mode of employing the money be altered for at least a century. Fifty years was the period fixed in the Oxford University Act, and no complaint had been made against the working of that Act. The effect of the Amendment would be not only to exclude from the operation of this Bill all the schools founded between fifty and 100 years ago, but to withdraw from the more ancient institutions all those endowments which had been made during these fifty years. His noble Friend (the Marquess of Salisbury) in his desire to maintain the inviolability of the rights of founders had, he feared, overlooked the importance of making their foundations useful for the purposes of education in the present day. A bad, lazily, and ill-conducted endowed school was, not only an evil in itself, but too frequently had the effect of preventing the foundation of an efficient private school in the neighbourhood.

LORD CAIRNS said, that the arguments of the noble Earl the Lord President, based upon the importance of interfering in cases where endowed schools were ill-conducted, was just as applicable in cases where the schools had been founded within the last fifty years as it was in the case of schools founded at an earlier period. It should be remembered, too, that if founders desired that their intentions should be subjected to Parliamentary inquiry or action, nothing could be easier than that they should state the wish distinctly in the bequest. He quite concurred in the soundness of the principle of laying down certain rules by which founders might know for certain how long their intentions would be respected; but, in *ex post facto* legislation of the kind they were now adopting, they ought to exercise great care and to offer no interference without grave and sufficient cause.

THE LORD CHANCELLOR said, he would remind the Committee that in the course of fifty years two generations in the way of education passed away, and those connected with the management of these schools rarely kept pace with the times. It was, for instance, fifty years since he left a public school, and until within the last five years the course of management had remained unaltered. A change, however, was then made against the wish of the master; but the advantage was so great and so generally recognized that the number of scholars increased immediately from 200 to 300, and the master himself was one of the earliest converts to the importance of the change that had been effected.

EARL FORTESCUE said, that it was, no doubt, of the utmost importance that endowments, by being made useful, should be relieved from discredit; but it was also of great importance that care should be taken that the confidence of founders should not be shaken by undue interference with their wishes and intentions. Some distinction ought, in his opinion, to be drawn between cases where money had been given purely for educational purposes and where money had been given for purposes which were mixed.

THE ARCHBISHOP OF YORK said, he could testify, from personal knowledge, that no complaint had been made against the Oxford University Act on account of the time having been fixed at fifty instead of 100 years. He should, therefore, support the clause as it stood.

The Marquess of SALISBURY said, he would withdraw his Amendment, and substitute another, confining the operation of the Bill to endowments founded previously to the year 1800.

Amendment *withdrawn.*

Amendment *moved,* to leave out ("less than fifty years before the commencement of this Act") and insert ("since the year 1800") — (*The Marquess of Salisbury*): On Question, That the words proposed to be left out stand part of the clause ?—Their Lordships *divided*:—Contents 42; Not-Contents 29: Majority 13.

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*Resolved* in the *Negative.*

Clause *agreed to.*

*The Archbishop of York*

Clause 14 *agreed to.*

Clause 15 (Religious education in day schools).

The Earl of BEAUCHAMP *moved* to omit the words "on a religious subject," with the purpose of giving the parent the power to object to his child receiving religious instruction at any time.

Lord LYTTELTON said, it would be impossible to carry on a school satisfactorily if such a power of minute interference were placed in the hands of the parents.

Amendment *negatived.*

The Bishop of LONDON *moved* to insert in line 39 the words, "on the ground of his dissent from the authorized religious teaching of such school." He objected to the clause as it stood, because the former part of it maintained unduly the liberty given to parents in reference to removing children from religious teaching, and the latter part incidentally limited very much the liberty of teachers. Anyone who had been connected with a school would know that the withdrawing of children for any object whatever was a great evil in reference to the management of the school. Further, if this clause stood in its present form, an idle boy, with a careless father or a too indulgent mother, might raise objections to attendance on religious lessons, for the simple reason that he did not wish to attend any lessons of any kind.

Earl DE GREY and RIPON said, he regarded the wording of the clause as a very fair compromise of a very difficult question, and trusted, therefore, that the Amendment would not be pressed.

Amendment *negatived.*

The Bishop of LONDON then *moved* to leave out the latter section of the clause, which gave power to the parents in cases where the master shall "teach persistently any particular religious doctrine disapproved of by the parent," to make a complaint in writing to the Governing Body, and said that if the power were given as proposed in the Bill, it would cause serious annoyance to teachers.

The Duke of MARLBOROUGH thought that the clause would have the effect of carrying the Conscience Clause to an unheard-of extent, and for his part he did not see how the provisions could be carried out, unless parents had the right to be present at all lessons. If the children themselves were to raise objections, many of them would be sure to be of a very erroneous character. In his opinion the matter had better be left upon the footing of the Conscience Clause, that any child might be withdrawn during the hours of religious instruction.

THE EARL OF HARROWBY said, that the clause as it stood would be extremely offensive and disagreeable to some of the best schoolmasters in the country.

EARL DE GREY AND RIPON said, he could not consent to this portion of the clause being struck out. The subject had been very carefully discussed before it had been included in the Bill. The object was to make those great schools, where there was only one in a district, as available as possible for the benefit of all the inhabitants. It was right that the parent, if he showed to the Governing Body that his objection was reasonable, should have power to object to any persistent attempt on the part of the master to introduce into the secular lessons religious doctrines repugnant to the religious opinion of such parent. He could not consent to the omission of the section.

THE BISHOP OF ELY said, they must take care they were not introducing, by means of this clause, a religious difficulty where none existed. There was a strong feeling in the country in favour of religious teaching. The parents of children ought, no doubt, to have a right to object to the special doctrinal lessons. The provisions of the clause would, however, seriously interfere with the freedom of schoolmasters, who might accidentally render themselves liable to be brought before the Governing Body. These schoolmasters were frequently very sensitive men, and it was scarcely fair to hold this provision over them *in terrorem*.

LORD LYTTELTON said, the clause was founded on the Report of the Royal Commissioners, and he was prepared to support it; but he did not attach much importance to the clause. The Bill would work as well without as with the clause.

Amendment (by leave of the Committee) *withdrawn.*

THE BISHOP OF GLOUCESTER AND BRISTOL said, there ought to be some provision against a sort of illicit teaching of the worst kind, and he, for one, could not tolerate that sort of proselytizing. He thought the word "persistently" was not strong enough. "Religious doctrine disapproved of by the parents" were loose words, and as it was desirable that honest men should be guarded as much as possible, he would move the insertion of the words "systematically and persistently teach," and remit him back as to what he disapproved to the original protest under which he claimed exemption.

EARL DE GREY AND RIPON said, he had no objection to the Amendments.

Amendments *agreed to.*

Clause, as amended, *agreed to.*

Clauses 16, 17, and 18, *agreed to.*

Clause 19 (Schools excepted from provisions as to religion).

THE BISHOP OF ELY *moved* an Amendment, exempting from the operation of the Bill, with respect to religious teaching—

"Any school or educational endowment which, on the principles laid down by recent decisions in the courts of Equity, would appear from the nature of its foundation deeds and the time at which it was founded to be a school or educational endowment for the teaching of scholars in the principles of any particular church, sect, or denomination."

EARL DE GREY AND RIPON opposed the Amendment.

Amendment (by leave of the Committee) *withdrawn.*

LORD LYTTELTON *moved* the omission of the parenthesis in the clause relating to the attendance of day scholars at the offering of prayer, and at the time of religious instruction.

EARL DE GREY AND RIPON thought it would be of great advantage to the Church herself if some of these cathedral schools should be made more generally available for the benefit of the children of the inhabitants.

THE MARQUESS OF SALISBURY gave notice that he should revive the question on a future occasion.

Clause *agreed to.*

Clause 20 (Transfer of jurisdiction of Visitors).

The BISHOP OF ELY proposed, in page 7, line 32, after ("relates,") to insert—

("Except in the cases of cathedral and other schools, or educational endowments mentioned in Clause 19, where the visitor or visitors may have been appointed by the original foundation deed, with special reference to the religious character of the schools or endowments.")

EARL DE GREY AND RIPON said, he would accept the Amendment if confined to cathedral schools.

The BISHOP OF ELY assented.

Amendments made.

Clause, as amended, *agreed to.*

Clauses 21 to 29, inclusive, *agreed to,* with verbal Amendments.

Clause 30 (Application to education of non-educational charities).

The BISHOP OF LONDON said, that this clause provided for the application of "doles in money or kind" and other gifts to educational purposes. He moved to leave out "with the consent of the Governing Body," those doles being in most cases mischievous and demoralizing.

EARL DE LA WARR, as a member of a Governing Body, supported the Amendment on the ground of the mischievous character of the doles.

EARL BEAUCHAMP objected to the Amendment. He had no doubt that where the charity was mischievous it would be easy to obtain the consent of the Governing Body.

The MARQUESS OF SALISBURY said, he had long ago formed the opinion that, though there were many disreputable things in this Bill, there was only one thoroughly wicked clause, and that was the present one. It was proposed to take away from poor men certain doles which had been left to them. It was said that such doles were demoralizing —that they discouraged men from working. Was it demoralizing that the poor should live without excess of work? The poor man might retort that it was demoralizing to noble Lords to have such an income that it was not required that they should work at all. He did not know anything more likely to create dissatisfaction than the proposal to divert such money as this to other purposes. The feeling seemed to pervade modern society that the poor should be left always to work, and that it was a misfortune to have anything that would relieve them from it. If power were given to the Commissioners, without obtaining the consent of anybody, to sweep away all these charities, such power would be an enormous one. No doubt education was a good thing, but eating was a better, and they ought not to devote these funds to education, which would no doubt be valuable to full men, but a mockery to those who were empty.

The EARL OF ROMNEY also opposed the Amendment. He maintained that there were cases in which those charities did good.

LORD LYTTELTON said, that to leave this clause as it stood would be simply to allow a scandal and disgrace to continue.

The EARL OF AIRLIE supported the Amendment. These charities were, for the most part, great abuses, and did nothing but mischief. He should like to propose to strike out the words "Governing Body" and insert in their place "Charity Commissioners."

EARL DE GREY AND RIPON said, that though agreeing with what had been stated as to the abuses of these charities, yet, as the clause was the result of a compromise, he must oppose the Amendment.

The EARL OF HARROWBY said, that many poor people thought they had a chartered right in the charities, and therefore they ought to be tenderly dealt with.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clauses 31 to 41, inclusive, *agreed to.*

Clause 42 (Exception as to schemes for endowments under £100).

The DUKE OF MARLBOROUGH *moved* in page 15, line 20, to leave out from "endowment" to "the" in line 26, his object being to secure uniformity of action under the Bill by having the schemes affecting even the small charities submitted to the consideration of Parliament. There were about 200 small endowments, averaging £15 a year, and bringing in a total income of £3,000, and he thought it objectionable that so large a sum should be disposed of by the Commissioners and the Vice President of the Committee of Council without requiring the sanction of Parliament.

EARL DE GREY AND RIPON said, if the opinion of the House was in favour of the Amendment he should not oppose it.

Amendment *agreed to,*

Clause, as amended, *agreed to.*

Clauses 43 to 52, inclusive, *agreed to.*

On the Motion of the Bishop of LONDON a new clause was added (School chapels appropriated for religious worship free from parochial jurisdiction).

The Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed* as amended. (No. 192.)

House adjourned at Eleven o'clock,
till To-morrow, half past
Ten o'clock.

# HOUSE OF COMMONS,

*Thursday,* 15*th July,* 1869.

MINUTES.]—PUBLIC BILLS—*Second Reading* —Drainage and Improvement of Lands (Ireland) Act (1863) Amendment* [208]; Heritable Rights* [204]; Nitro Glycerine* [211].

*Committee—Report*—Poor Law (Ireland) Amendment (No. 2) (*re-comm.*)* [173].

*Considered as amended*—Courts of Justice Salaries and Funds* [96-218].

*Lords' Amendments Considered*— Irish Church [209].

*Withdrawn*— Roads and Bridges (Scotland)* (207).

## SCOTLAND—TRUCK ACT.—QUESTION.

SIR DAVID WEDDERBURN said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been directed to the reports in the "North British Daily Mail," as to the systematic infringements or evasions of the "Truck" Act in the mining districts of Scotland; and, whether, if those reports are accurate, he proposes to take any steps to enforce the Law, or otherwise to remedy the state of things complained of?

MR. BRUCE said, in reply, that he had received the reports to which the question of the hon. Baronet referred. He would not, however, vouch for the accuracy of those reports as they bore on each particular case. There appeared to be, however, very little doubt that there was a very wide and systematic infringement of the Truck Act in Scotland. He would take an opportunity of consulting with the Lord Advocate as to the expediency of taking any steps in connection with the subject.

## SCOTLAND—WATERNISH CHURCH, ISLE OF SKYE.—QUESTION.

MR. MILLER said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to the state of the Church of the quoad sacra parish of Waternish, Isle of Skye, in respect that the attendance in that Church consists of only two old men, the one nominally clerk to the Kirk Session and the other the beadle, while the remainder of the population, in number of about 1,200, are adherents of a Church of another denomination; and, now that the Church has become vacant by the death of the late incumbent, whether it is the intention of Government to fill up the vacancy, and thereby continue as a burden on the Country the annual payment of £120, the amount of stipend hitherto paid from a Parliamentary Grant?

MR. BRUCE said, in reply, that he believed the statement of facts referred to by his hon. Friend was accurate. The parish was one of those which were formed under the Act of George IV., and he thought that if the Secretary of State were not to exercise his power of appointing for six months, the appointment would lapse. The subject was under the consideration of the Government, but the decision involved a great deal more than the mere appointment of a minister to one particular parish.

## REPAIRS OF BRIDGES.—QUESTION.

SIR HERBERT CROFT said, he wished to ask the Under Secretary of State for the Home Department, Whether a county is bound to take to the repairs of bridges on lines of roads which have now ceased, by the expiration of their several Acts, to be Turnpike Roads?

MR. KNATCHBULL-HUGESSEN said, in reply, that it was not the custom or the duty of the Home Office to give opinions upon disputed points of law, but he would readily give the hon. Baronet that which he believed to be the correct view—namely, that if a bridge on any line of road which had ceased to belong to a turnpike trust had been heretofore repaired by the county in which it was situated, the same liability would continue to attach to it. With respect to the abolition of turnpike trusts, generally, the liabilities which had attached to such trusts, passed, on their cessation, to the local authorities of the district, and the case of bridges repaired by such trusts would probably come within the same category.

## PARLIAMENTARY RETURNS.

### QUESTION.

Mr. PEEK said, he wished to ask the President of the Poor Law Board, Whether there is any objection to Returns not of sufficient general importance to be supplied at the public expense being granted to Members of Parliament willing themselves to bear the cost of printing, say a hundred copies?

Mr. AYRTON said, in reply, that in cases where the question had arisen whether the Returns asked for involved general public interest or any special interest, those who desired the Returns had settled the question by paying for the printing; but if the expense of obtaining the Returns were referred to, that was a matter which had not been considered, and there would be great difficulty, probably, in the House ordering a Return which was not thought of general interest, unless the Member asking for the Return, or those interested, undertook to pay the expense.

## REGISTRATION OF VOTERS.

### QUESTION.

Mr. COLLINS said, he would beg to ask the hon. Member for Oxford City, If his attention has been called to the fact that a draft of the Report of the Committee on the Registration of Voters for Boroughs has appeared in the "Liverpool Mercury" before it has been printed by this House; and, if so, if he is aware how that newspaper became possessed of it?

Mr. VERNON HARCOURT said, in reply, that it was not the fact that a draft of the Report had appeared in the paper named in the Question of the hon. Member. An article had, however, appeared in it which conveyed to him the impression that the writer must have obtained a copy of the draft. If a draft of the Report had been obtained for the *Liverpool Mercury* he was not aware how possession of it had been obtained. The publication referred to had taken place after the Committee had reported, and the Report had been laid on the table of the House.

## ARMY—COLONELS IN THE INDIAN ARMY.—QUESTION.

Colonel NORTH said, he would beg to ask the Secretary of State for War, What course is proposed to be taken with regard to the supersessions of the Colonels of the Queen's Army by those of the late East India Company's Army?

Mr. CARDWELL: Sir, the House is aware that when the two Armies were united the relative position of officers promoted from the rank of Colonel to that of Major General was defined by a Royal Warrant, called the Warrant of 1862. After the publication of that Warrant, it was regarded by the Indian officers as unjust to them, and at variance with the Parliamentary guarantee which had been given them in two Acts of Parliament,—the Act of 1858, which vested the government of India in the Crown, and the Act of 1860, which provided for the union of the two Armies. Discussion, consequently, arose in this House, and eventually a Royal Commission was appointed, of which the late Lord Cranworth was Chairman, and the right hon. Member for the county of Oxford was one of the Members. In consequence of the Report of that Commission, the Warrant of 1862 was cancelled, and a new Warrant—the Warrant of 1864—was sanctioned in its place. Under the Warrant of 1864 it has been found that officers of junior rank as Colonels in the Indian Army take precedence as Majors General of many who were their seniors as Colonels. In consequence of the grievance felt by the officers of the British Army, my right hon. Friend (Sir J. Pakington) who preceded me as Secretary of State for War appointed a Departmental Committee to examine the case. The Report of that Committee has been laid on the Table. Among its recommendations was a proposal that forty-five Colonels should be immediately promoted to be Generals, at the cost of nearly £12,000 a year to the British Treasury. I could not concur in the proposal, and was unable to recommend it to the Treasury. A great deal of correspondence has passed on the subject between the hon. and gallant Gentleman and myself, and, now, with the consent of my noble Friend the Secretary of State for India, we propose to appoint another Committee, of whom one member shall be an eminent lawyer, and the other members shall be officers of the two services of too high a rank to be themselves personally interested in the case. The reference to them will consist of one single point—namely, the proper relative position of the officers of the two services, and they will have no power to make any proposals which involve a charge upon the Treasury. My noble Friend (the Duke of Argyll) has undertaken that the Indian Government shall not make any more promotions pending this inquiry.

COLONEL NORTH said, he should withdraw the Notice he had placed on the Paper upon this subject till the Committee had reported.

## THE WEST INDIES.—QUESTION.

SIR CHARLES ADDERLEY said, he wished to ask the Under Secretary of State for the Colonies, Whether the project of the late Government to combine all the Leeward and Windward Islands under one government is being carried out, and whether the Packet Station in the West Indies is settled on; and, if so, where: and, whether the International Ocean Telegraph New York Company have made arrangements with the Jamaica Government for landing their cable from Panama on that island?

MR. MONSELL: In answer, Sir, to the first Question of my right hon. Friend, I beg to inform him that as the process of combination of the Windward Islands would have been much impeded and delayed by some of them not being Crown Colonies, Her Majesty's present Government decided to seek to bring about a union of the Windward Islands into one group, and the Leeward Islands into another—the latter combination may, I hope, soon be accomplished. With regard to the second part of the Question, I have to say that the Treasury have decided that the packet station shall remain at St. Thomas; and as to the remainder of the Question, we have not yet received any information as to the arrangement between the Government of Jamaica and the Telegraph Company.

## MR. GLADSTONE AND THE INDEPENDENT ORANGE ASSOCIATION.

### QUESTION.

MR. HENNIKER-MAJOR said, he rose to give notice that he would to-morrow ask the First Lord of the Treasury, Whether the correspondence which has appeared in the papers, purporting to be between the right hon. Gentleman's secretary and a so-called Independent Orange Association of Ireland, was genuine; if so, to ask him whether he could state when this Association was formed, what principles it professed to uphold, when its meetings were held, and whether its chief officers had any connection with Ireland?

MR. GLADSTONE: Sir, I will save the hon. Member the trouble of asking this Question to-morrow. I received a letter from an association under the title of the Independent Orange Association of Ulster, and caused an answer to be sent to that association, as it is my business and duty every day to cause scores of answers to be sent to persons with whom I have never had any other relation. Therefore, I cannot gratify the curiosity or desire for information of the hon. Gentleman with respect to the association, but with respect to the sentiments contained in the answer, I am fully and exclusively responsible for them.

## POOR LAW—NARBERTH UNION—TREATMENT OF REFRACTORY VAGRANTS.—QUESTION.

MR. P. A. TAYLOR said, he wished to ask the Secretary to the Poor Law Board, Whether it is true that the Guardians of the Narberth Union have resolved to continue the practice of putting refractory vagrants in sacks, notwithstanding his declaration that such conduct not only contravened the spirit of an Act of Parliament, but was repugnant to the feelings of common humanity?

MR. GOSCHEN said, in reply, that it was true that the Board of Guardians had resolved to continue this practice. The sacks were common sacks, and the vagrants were inserted in them by a hole ripped through the bottom. Remonstrances had been addressed to the

Guardians, but had failed, and the Poor Law Board would now hold the master of the workhouse responsible for the supply of sufficient clothing to all classes of vagrants under his care, and he would be removed from his post if he failed to do his duty in that respect.

## IRISH CHURCH BILL.—[Bill 209.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

LORDS' AMENDMENTS.

Order of the Day for Consideration of the Lords' Amendments read.

Mr. GLADSTONE: In rising to move, Sir, that the House do proceed to consider the Lords' Amendments to the Irish Church Bill I shall designedly, for the convenience of the House and for other reasons, avoid making any general statement of the character of those Amendments, which might, possibly, be the occasion of debate; but, of course, I do not presume to interfere with the discretion of other Members. I think, however, it will be for the convenience of the House that I should, very briefly, and in the way of Parliamentary notice, run over, not the whole of the Amendments made by the other House—which are necessarily very numerous, and some of only secondary importance—but the principal ones, and that I should describe the course the Government propose to take upon them. The first is the Amendment in the Preamble, and I shall move to disagree from that Amendment, and to replace it by the original words. The second Amendment refers to the date at which the Bill shall come into operation, and I shall move to replace the date adopted by this House. The third is the Amendment with regard to curates, and I shall move to disagree from that Amendment as it stands, but shall propose a substitute, which will be a modification of the plan as it went from this House. With regard to the fourth Amendment, as to the tax on the clerical income to be handed over to the Church Body, I shall move that it be not agreed to. The fifth Amendment provides, in the 20th clause, for the protection of annuitants—a subject which was not disposed of in this House, and I shall move that that should be agreed to, with Amendments. The sixth Amendment is the fourteen years' clause, or commutation clause, and I shall move to disagree from that clause; but I shall propose, by way of amendment to the original plan, an addition to the clause, the nature of which I will state at the proper time. The seventh Amendment relates to the glebe and house, and removes all conditions on the possession of them and gives them without payment. I shall move to disagree from that Amendment. The eighth Amendment relates to what is called the Ulster glebes, or what are more properly described as the Royal grants. I shall move to disagree from that Amendment. The ninth Amendment relates to the deduction of the poor rate from the price of the tithe rent-charge. I shall move to disagree from that. The tenth Amendment relates to the residuary property, and with respect to that I shall move an Amendment consequential on the Amendment in the Preamble, and shall propose to insert words to provide against the loss by Parliament of the control of the surplus in the interval which might elapse before further legislation. There is another consequential Amendment in rerpect to the restoration of words in the Preamble—I mean the Amendment with respect to the clause aiming at what is called concurrent endowment; I shall move when the time comes to strike out that clause. I now move, Sir, that we consider the Lords' Amendments.

Mr. DISRAELI: Sir, I feel less surprise, after the right hon. Gentleman's statement, than I otherwise should have done that he has offered to us so short an explanation of the course he intends to pursue, because I learn with sorrow from the right hon. Gentleman that he is going to advise the House—as I infer from his statement—to disagree, generally speaking, with the Lords' Amendments. Now, Sir, there is no position more difficult at all times in our Parliamentary life than when the two Houses of the Legislature are not in accord upon matters of great public moment; but, at the same time, I think it is exactly the position which requires from this House great forbearance and temperate feeling in discussing the points on which the two Houses differ. Before proceeding to consider the Amendments of the Lords, I would remind the House that, though there may be differences of opinion between this and the other House of Parliament on many points in respect to this Bill, those differences have occurred under circumstances which do not for a moment justify the relative position of the two Houses towards each other being described as one of a hostile character. There have been occasions when the two Houses have differed, and differed under circumstances which made it impossible that it should not be felt in this House that the other House of Parliament had taken with respect to us a position of defiance and extreme antagonism. That cannot be said in the present case. ["Oh, oh!"] Well, I do not know what might be the feeling of the other House if they heard those sounds; but I am sure they give us credit for being willing to consider these grave matters with the responsibility that becomes our position. I say that there is not on this subject that spirit of hostility and antagonism which upon some important occasions has unfortunately existed between the two Houses of Parliament. Because, we must remember this, that the other House of Parliament commenced its labours on the Bill by a very significant testimony to it, which showed that it was their desire to act in no hostile spirit towards this House. There can be no doubt that the great, or a considerable, majority of the Members of the other House were opposed to the principle of the measure, and to the policy of the right hon. Gentleman; but, in deference to what they believed to be the opinion of the country, and seeing that the policy of the Government was approved by a commanding majority in the House of Commons, the other House did, by no insignificant majority, accept the principle of this measure. And many of those who did accept the principle of the measure were themselves opposed to it. That is significant testimony that the other House of Parliament was anxious, if possible, to come to an understanding on this important subject with the House of Commons. Under these circumstances—though I do not say that this House ought to relinquish its opinions—yet we are bound to admit that the Amendments of the Lords are entitled to peculiar attention. In referring to the position — the painful and perilous position in which the two Houses are always necessarily placed when differences occur between them—I must say that I attribute that position to two causes. In the first place the right hon. Gentleman at the head of the Government, when he adopted a course which I am willing to admit (and I have given unequivocal proof of the sincerity of my opinion in this respect) the nation adopted and the House of Commons supported, made certain declarations which form one of the causes of the misconception which has occurred in respect of this matter, and of the difficult position in which we find ourselves placed in reference to the other House of Parliament. The right hon. Gentleman, in reference to a measure of an important political matter, and of a most complicated nature, made a declaration of certain abstract principles. Now, I do not think it possible to treat successfully political matters of any kind by the application of abstract principles, and I do not think we can have any better proof of this than what has occurred in the case of the right hon. Gentleman, for, having announced his abstract principles, we found the moment he introduced the measure he deviated from those abstract principles in every instance. For example the right hon. Gentleman laid down as one of his abstract principles on which the measure was to be founded that there should be complete and perfect ecclesiastical equality. Well, that was an abstract principle, no doubt, of much pretension; but when the Bill was introduced, and the right hon. Gentleman had to deal practically with the question, he found it necessary to deviate from that principle. He made a proposal that did not establish complete ecclesiastical equality. He proposed that churches and glebe houses should be possessed by the ministers of one Church, but he did not profess to give them to those of any other Church. That is an instance showing that, though it may be easy to lay down abstract principles in political matters, it is not so easy to abide by them. The right hon. Gentleman announced another chief principle of this measure, and that was that no part of the confiscated funds of the Protestant Episcopal Church in Ireland should be applied to any religious purpose. Yet in the Bill, as introduced, we found a remarkable deviation from that principle. There are other instances, which I cannot recollect at this moment, but which, no doubt, will recur to the minds of those who take an interest in this subject, of deviations from what were said to be the leading principles of the Bill; but what I wish to impress upon the House is that the great majority of the Lords' Amendments are not any deviation from the policy laid down in the Bill. They may be deviations from the abstract principles laid down by the right hon. Gentleman in his speeches, and which hon. Gentlemen opposite sometimes quote in vindication of their votes; but I say that the great majority of the Amendments only carry out to a greater degree the abstract principles announced by the right hon. Gentleman. The right hon. Gentleman, for example, proposes that the Protestant Episcopal Church shall have her churches and glebe houses; the House of Lords, considering the question, have indicated their opinion that something more should be done in the same direction, and that, Sir, is a question of degree between the two Houses. In fact, so far as the great majority of these Amendments are concerned, it is a question of degree, and therefore it is, I apprehend, a question to which the House should address itself, whatever may be individual opinions, with a temperate feeling, and with some desire to arrive at a common conclusion. There is, to my mind, no opposition to the principles on which the policy of the right hon. Gentleman is founded in any of these Amendments; they merely pursue the policy he introduced and recommended to a greater degree than the right hon. Gentleman himself recommended in the Bill which passed this House. I think, therefore, we have arrived at some of the difficulties we experience in this matter because, having introduced a measure founded on abstract principles which the House accepted, the right hon. Gentleman in carrying them into effect necessarily, as in all political matters, in order to bring about a particular result, was obliged to deviate from those abstract principles. The question, then, for us to consider is whether the deviation he proposes, or that suggested in these matters by the House of Lords, is, on the whole, the most satisfactory. There is another reason why I think we have arrived at a less agreeable position than we might have held in this matter, and that is from the very slight and imperfect manner in which the details of the measure have been debated in this House. Unquestionably there was a very fair, and, I will say, adequate discussion of the principle of the measure. It was not more than an adequate discussion—it was not an excessive discussion. I myself endeavoured, as far as I could, to prevent it from reaching an extravagant point, because I thought it was of importance to the Government, and it was for the interest of the country, that before Easter we should come to some decision upon the measure. But no one can pretend that time was wasted, or the attention of the House extravagantly or unreasonably appealed to, so far as regards the discussion of the principle of the measure. I do not complain of that; I think there was, if not an excessive, an adequate discussion of the principle; but when we come to the Committee, I do not consider that there was a fair and complete discussion of the provisions of the measure. So far as we are concerned on this side of the House—although we highly objected to the principle of the measure, yet looking to the great majority by which the second reading was carried, we did, so far as we could, in all sincerity propose a variety of Amendments carrying into effect a policy not dissimilar in principle to that adopted by the right hon. Gentleman, but which carried out that policy to a further extent, and which we believed would have mitigated many evils, and, perhaps, removed them. But on all these Amendments there was no real discussion so far as the body of the House is concerned. The Amendments were brought forward either by myself or by one of my Friends, and they were immediately answered by the right hon. Gentleman or one of his Friends; but we never could get at the opinion of independent Members of the House. ["Oh, oh!"] That is my impression. I have had some experience in this House. I may be mistaken, but if it is a mistake on my part it is shared by a great many Gentleman on both sides of the House. I think it would have been very advantageous if these propositions had been well discussed in Committee. If we could have obtained the opinion of hon. Gentlemen opposite more completely on these matters the Bill would have gone up to the House of Lords probably in a different shape, and there would have been less cause for discussion upon the Amendments now before us. Well, Sir, I have ventured to make these observations. I think these are the two causes which have conduced to place us in the difficult—certainly not agreeable—position in which we find ourselves. Following the example of the right hon. Gentleman, however, I will not now enter into any general discussion upon the policy which has been pursued by the Government with respect to these Amendments. It will be more convenient that we should enter into their discussion as the different Amendments are brought forward. I am glad to hear from the right hon. Gentleman that he at once proposes to come to the consideration of the Amendment in the Preamble; because it seems to me that the Amendment in the Preamble involves almost all the important considerations, and I should hope that the division on that subject may probably prevent us from trespassing more than is necessary upon the indulgence of the House. With these observations I am quite prepared to proceed with the consideration of the Amendments *seriatim.*

Lords' Amendments *considered.*

The first Amendment, in page 1, lines 8 to 15, to leave out the words—

> "Held and applied for the advantage of the Irish people, but not for the maintenance of any Church or clergy or other ministry, nor for the teaching of religion: And it is further expedient that the said property, or the proceeds thereof, should be appropriated mainly to the relief of unavoidable calamity and suffering, yet so as not to cancel or impair the obligations now attached to property under the Acts for the relief of the poor," and insert the words "applied in such manner as Parliament shall hereafter direct,"

—read a second time.

MR. GLADSTONE: I now, Sir, propose that the Lords' Amendment to the Preamble be considered; and I must beg the House to remember the announcement I formerly made was merely intended to signify our intentions as to the points that should be raised for the convenience of the House, and I have not, further than my words absolutely implied, indicated the intentions of the Government with respect to the precise mode of dealing with the subjects. Indeed, I wish now to repair one omission I made with respect to the Royal grants or Ulster glebes. Our intention is to move that the House do disagree from that Amendment; but I ought to have prefaced that with the statement that we propose to agree to the Amendment which gave the sum of £500,000 as the estimate made by Government for the private endowments of the Irish Church. Now, with respect to the Amendment in the Preamble, the first words struck out by the Lords are these—(after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should)—now follow the words omitted—

> "Be held and applied for the advantage of the Irish people, but not for the maintenance of any Church or clergy or other ministry, nor for the teaching of religion: And it is further expedient that the said property, or the proceeds thereof, should be appropriated mainly to the relief of unavoidable calamity and suffering, yet so as not to cancel or impair the obligations now attached to property under the Acts for the relief of the poor."

These are the words which were struck out of the Preamble by the House of Lords, and I shall endeavour briefly, and without raising more than I can help, points of controversy, in the spirit, if I may say so, of business rather than of rhetoric, or even of general argument, to state the considerations which bind us with regard to the course we mean to take. The first portion of the words struck out by the Lords raises at once, as has been properly observed by the right hon. Gentleman, the question of what is commonly termed concurrent endowment. Now, I shall not discuss the Preamble with reference to the principal propositions of the clause inserted in the Bill by the Lords, which is the 27th, dealing with ecclesiastical residences; but I shall consider the question generally, and endeavour to appreciate the position of this House. Now, I would first of all observe, with reference to concurrent endowment, that the House must remember that the concurrent endowment proposed, talked of, discussed, and recommended by anyone within the last few weeks or months is not the plan or policy which in other times received the sanction of great statesmen, and which we charged it on the Government of last year—I will not say whether rightly or wrongly—that they appeared to contemplate. When Mr. Pitt spoke of concurrent endowment, he meant to create a real Roman Catholic Church Establishment by the side of the Established Church in Ireland; and that Roman Catholic Church Establishment was to correspond with what has always been held fundamental in this country—namely, an Establishment which, on the one hand, should be endowed by the State, and, on the other hand, be controlled by the State. These two ideas have never been separated, either in the minds of our great statesmen, or at any moment in our history. But the concurrent endowment now recommended is something totally and absolutely new. As regards endowment, indeed, it is undoubtedly reduced to very modest dimensions, for the funds at command do not admit of much more; but, as regards its essence, control there is none. Endowment is to be given, and the responsibility on the part of the State, which cannot be wholly separated from endowment, is to be incurred; but there is to be no exercise of control or direction on the part of the State. Now, whether that policy be a good or a bad policy, it is wholly distinct from that of the great men of former times; and, in my opinion the attempt to identify the opinions of those men with it, and to publish and propagate them to the world, as if only the adherents of this doctrine were the sincere followers of those men, is not worthy of a more honourable description than that it is a piece of pure political superstition. I will not debate whether this mode of endowment is good or bad, or pronounce any opinion upon its abstract merits. In the Committee of this House, which the right hon. Gentleman said instituted a very slight and inadequate examination of the details of the Bill, my right hon. Friends and myself sat not less than nine or ten unbroken nights in the constant and minute discussion of every line of the measure, giving it, if it were measured by time, about twice or three times the amount of time which it received in "another place." One reason for that may have been that the subject of concurrent endowment was never mentioned, I think, until the Report, and with regard to this matter we spent rather less time upon the measure than was otherwise necessary, because it was not necessary to go back or to reverse our own proceedings. Some allowance must, therefore, be made for that. Concurrent endowment was, I think, proposed in the first place by my hon. Friend the Member for the City of Dublin (Mr. Pim), and being proposed by him on the Report, I think we were precluded absolutely by what we had done in Committee from even entertaining or arguing the question. My meaning was this, that our last act in Committee was to seal the Bill by attaching to it the Preamble—the Preamble which contains this solemn and momentous declaration. Consequently, from that time forward, it appeared to me undoubtedly that this House—the Government had been precluded before; but from that time I was prepared to contend that this House was precluded by its own deliberate act from entertaining the question of concurrent endowment. So far as its merits are concerned, I fully agree with the right hon. Gentleman that the matter was very slightly considered. I doubt, indeed, whether more than an hour was spent in discussing it on the Report of the Bill. I can very well appreciate and sympathize with the feeling which has led some hon. Gentlemen on each side of the House; and, in what I have to state on concurrent endowment, I do not aspire to be the arbiter or to express the sentiments of one side of the House exclusively. The difficulty is one which is just as much felt on that side of the House as on this, and that will be disclosed if we come to close quarters on this question of concurrent endowment. I say I sympathize with those who think that, after what has happened in Ireland, the winding up of this great question should suggest subsidiary and collateral proceedings which should leave kindly and genial recollections in the minds of all parties in that country. Apart from this, however, much may be said against this description of partial and limited endowment. In the first place, it is a mistake to suppose that people can be made good subjects by the possession of these little bits of land. Treat them with equity and justice, and they will be good subjects whether they are supplied with little bits of land or not. It is, however, material to consider that there has been an unhappy conflict between the friends and enemies of the law in Ireland, and that the Roman Catholic priesthood and the Presbyterian clergy have maintained a steady testimony on behalf of law and order during all the Fenian agitation and uncertainty, and while the deliverance they made to their flocks was perfectly unbought and independent. I am by no means certain that the credit of that testimony and the weight of that authority, either in the one body or the other, would be so great and so indubitable if once they had received, in whatever shape, a gift from the State. But, as I said, it appears to me that this question is narrowed for us in such a way that we are shut out from the broad field of discussion in which it might be met. Let us consider how we stand. Suppose, for argument's sake, that when we met together in February, and when in March we addressed ourselves to the consideration of this great subject, we had been free as a Parliament representing the people, and free to give effect not only to its own convictions, but to what, before the people, we had declared to be also our own convictions, suppose we had been free at that time to have included provisions such as we are now considering in the measure we were about to send to the House of Lords. Is it possible for any impartial man not to see that, in the main, first of all the Government, and after the Government the House, placed its own authoritative interpretation upon the nature of the mission it had received from the nation by the provisions of the Bill introduced by the Government, and afterwards sanctioned by the House? Even had we been free on the 1st of March to frame a Bill on the principle of promiscuous endowment, my affirmation is that our proceedings in the face of the country, and the convictions we have since then conveyed to the country, as to the nature of our views and the construction of our duty would have put it out of the question to entertain this matter. But I must go further. I do not dwell simply upon the fact that four or five months had elapsed before the very idea of concurrent endowment had been placed before the popular mind. I think I may say that during the circumstances to which I have referred it was hardly presented to the popular mind, and not at all in this House, until it arises at the sixtieth minute of the twelfth hour of the day. And so far as the declarations and acts of the last Parliament are concerned, and so far as the acts and declarations of the great majority of the Members of this House, on both sides, are concerned, they never were free to base their measure upon the principle of concurrent endowment. Now what occurred last year? The noble Earl then Minister for Ireland (the Earl of Mayo)—I am not going to make anything in the nature of a charge, or to endeavour to extract political credit from anything I may say, but to place an impartial narrative before the House—the noble Earl, I say, and the right hon. Gentleman at the head of the Government (Mr. Disraeli), were understood by us, whether rightly or wrongly, to declare that their intention was not to take to pieces the present Established Church in Ireland, but to found in some manner or degree other Churches by its side. One universal burst of condemnation and resistance came from the whole Liberal party; and not only so, but the construction we put upon those speeches was indignantly resented by the other side. This was the case in every town in the kingdom, in every county in the country, and on every hustings. I see opposite to me the Gentlemen who have the honour of representing South-west Lancashire, and who had the honour, not of overturning me, but of being the favoured candidates when I was unhappy enough to undergo a great defeat—and I should like to know what their position would have been, or what would have been the position of any of those triumphant Lancashire Conservatives, had they travelled throughout the length and breadth of that county with the banner of concurrent endowment. [*Cheers and laughter.*] I am delighted to draw forth a more sympathetic response to my appeal from them than it is sometimes my good fortune to obtain. But I am only treating of things patent and within the everyday knowledge and recollection of every hon. Member of this House. We all went to the country on the same principle—some to defend the Established Church, and others saying that they would, if possible, bring its condition as an Establishment to an end. But with rare individual exceptions—I know there were such, and there was one conspicuous exception within Lancashire itself—we were all agreed that, whether we maintained the Irish Church or not, to concurrent endowment we were opposed. And there is a larger question than concurrent endowment involved in this matter—namely, whether the nations that inhabit these islands are to be enabled and encouraged to believe the pledges of those who represent them in Parliament. I am not prepared to strike the fatal blow at public confidence which would be struck if we were to adopt such a plan. The right hon. Gentleman (Mr. Disraeli) says, truly, that we ought to approach in a spirit of respect the Amendments made by the House of Lords. As I come to discuss them, I shall endeavour, and my Colleagues I am sure will do the same, to conform to that rule. We can hardly expect of the House of Lords that they should appreciate the humble considerations which govern the special relations between each Member of Parliament and the portion of the British people that he represents. From the great eminence upon which they sit they can no more discern the minute particulars of our transactions than a man in a balloon can see all that is passing on the earth below. Had the House of Lords gone through the experience of such an election as the last it would be absolutely impossible for them, as honourable politicians, to have consented to the clause which they have put into this Bill.

Now, Sir, in this discussion I have spoken slightly of policy, and more of good faith. I have not adverted to that which, at the same time, is a very important consideration, and which may be settled in a sentence—it is impossible, Sir, to carry concurrent endowment. We should not only be faithless to our pledges, but should prove ourselves to be totally unfit for the solemn charge laid upon us of conducting the administration or the legislation of this country, because we would show that we are wholly incapable of appreciating facts clear and glaring as the sun at noonday. As to the tale of re-action upon this subject, I will ask anyone who has been in contact, within the last few days, with those great communities which have so much to do in leading public opinion in this country—I will ask them, and I will ask hon. Gentlemen opposite, whether they think that the bulk of their constituents, of whatever class or shade of opinion they may be, would be found disposed to array themselves in support of such a policy. Sir, the convictions of this nation are absolutely opposed to the adoption of such a principle. There are higher considerations in my mind than that of a mere submission to the necessity of facts, which absolutely point out the course that we should pursue on this important subject. But, both on the one ground and the other, the Government have no choice, and I think the House will support us in replacing in the Preamble of the Bill words which we regard as expressive of a solemn covenant which we are not prepared to tamper with. Then comes the second question in the Preamble, the declaration that the proceeds of the property shall be devoted mainly to the relief of unavoidable calamity and distress. And I must say a very few words, partly for the purpose of explanation and partly likewise in order to remove a misapprehension as to the possibility of a misappropriation of those funds, which was, I think, due to one of the circumstances noticed by the right hon. Gentleman opposite. Undoubtedly, when we came to the consideration of the disposal of the surplus, the subject did receive very slight discussion in this House. We, of the Government, may consider that as a testimony to the prudence of the plan that we recommended; but the fact is unquestioned, that on a point which many may regard as essential, the nature of the plan has not been observed or understood. It has been taken for granted in "another place," and by some who are not unfriendly to the proposal, that the terms of the Bill as they stood when it went from this House appropriated not only the income of the property, but the capital of the property to the objects designated in the 68th clause. That is an entire mistake. There is in the Preamble of the Bill a distinction drawn, and it is declared that—"it is expedient that the said property, or the proceeds thereof, should be appropriated." In the 68th clause it will be found that there is no power of appropriation given to Her Majesty's Government, except with respect to the income of the property. This, although it may seem at first sight shadowy, is a very important distinction, and it is very desirable that the scope of its operation should be understood, because there are two classes of plans which have been conceived and suggested for dealing with the property of the Irish Church. The one plan proposes to dispose of the income for the purposes of education, and the other would employ the income for the purposes of re-production. If I might judge I should say the plans for bestowing the income upon education have not been met with favour. The plans which have met with most favour have proposed to employ the income as a fund to be made use of as loans in Ireland for some useful public purpose. I am not going to enter upon a discussion of those plans, but will simply say that, as far as they are concerned, they are not in the slightest degree excluded by the Bill as it stood when it passed through this House. It would be entirely consistent with the Bill as it passed through this House if the wisdom of Parliament should recommend that this money should be employed in loans, whether, as some Gentlemen would wish, for Shannon navigation—[Colonel FRENCH: Hear!]—or, as others would wish, for sea fisheries, or, as others might wish, for harbours or drainage. There are, in fact, a multitude of public purposes to which the surplus might be applied, but none of which are reconcilable with the Preamble of the Bill as it left this House. Thus much I would say with regard to the nature of our plan, but objection has been taken to it, and, acting in the spirit I have described, we have endeavoured to see whether we could meet that objection. It is said that an extravagant amount of discretion was vested in the Executive Government by the Bill as it left this House, and that in the room of my right hon. Friend the Secretary for Ireland some £7,000,000 might be disposed of. Now, we do not feel that there is great force in that objection, because we think that the provisions of the Bill effectually controlled the Executive in the application of the money. Still we have to ask ourselves whether we can advance a step in order to meet the fair jealousy on the subject which may be entertained by any portion of either House of Parliament. I shall therefore propose, when we come to that part of the Bill, that a discretionary power shall be reserved in a shape which I had better at once describe, because it is material to the consideration of this portion of the Preamble. It will be recollected that the power to be vested in the Government is to be given by means of an Order in Council. Now, I intend to propose a proviso to the following effect—

> "By Order in Council, before Parliament has legislated further in respect thereto"

—for purposes directing the mode of application—

> "every Order in Council so appropriating the income of such property shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, or if Parliament be not sitting, then within fourteen days after the commencement of their next session; and such order shall not be of any validity until the expiration of forty days after the same has been so laid before both Houses of Parliament, nor shall it be of any validity at all if within such period of forty days an address be presented to Her Majesty by both Houses of Parliament praying Her Majesty to revoke such order."

That will limit the discretion of the Executive. I have pointed out to the House what I hope may be sufficient to obviate a very serious misapprehension as to the nature of the plan itself, which has no effect whatsoever in obstructing any measure which may be adopted for the intermediate investment or use of the capital in a reproductive manner. With regard to the plan itself which the Government have proposed, I believe that observations have been made upon it and weapons have been aimed at it which it does not deserve. I should have thought that the lunatics, the blind, the deaf and dumb, and the rest of the objects for whose relief the proceeds were reserved, were not the most appropriate objects for the exercise of the otherwise charming and genial gifts of the noble critic. The plan has, at all events, been condemned apparently in the House of Lords; but so far as I have been able to make myself acquainted with the proceedings of that Assembly I find myself at liberty to observe that the sort of criticism which was there indulged in is very much like what is known as the negative system in philosophy. There are an immense number of people, I may add, who try to pull Christianity to pieces; but no one, as far as I know, has been able to succeed in setting up anything effectual in its stead. Much the same state of things I find prevails with regard to the disposal of the property of the Irish Church. No man has sufficient confidence in his own views, nor has any number of men been found to unite in the adoption of any one view, to replace this plan of relieving distress of certain kinds by any scheme whatsoever. This, I would remind the House, is not a new proposal. The original author of the proposition was Mr. O'Connell; and the time when he roughly sketched it out was about five-and-thirty years ago. We are charged with having borrowed our scheme from my hon. Friend the Member for Bradford (Mr. Miall), who, I believe, propagated some such appropriation of Church property a few years ago; but there can be no doubt that such a scheme was shadowed out by Mr. O'Connell at a much earlier date. I wish to point out one other misapprehension. It is said that this plan is merely intended to relieve the land and the real property of Ireland from burdens to which it is properly subject. If that were so, I should be disposed to say, looking at all the questions which are pending with respect to the land in that country, you might do wisely and equitably to regard them as a whole, and that there would not be in my mind conclusive objections even to that proposition. The statement is, however, I submit, in the main, not true, but untrue. What are the obligations in respect of the relief of distress to which land or real property are commonly, by the laws of civilized Christian countries, held to be subject? They are these—You are bound to deal with the destitute and to meet the wants of the destitute as far as necessity can be said to exist, but not beyond. Hospitals in this country are not established for the destitute. They are intended for that large margin of the population which lies between opulence and destitution. In what country in the world, I would ask, is adequate provision made for the sick by its land or real property? Nay, more, it is not owing to any unworthy shrinking on the part of the owners of real property from the performance of their duty that this is the case. I deny that it would be right or just to impose on the real property of a country by the compulsory machinery of the law the burden of making general provision for the relief of the sick in the sense and within the social margin embraced by the hospitals in England. Ireland, unhappily, has not generally speaking, got such hospitals. Her hospitals are for the most part supported by a county cess; but that county cess is optional. [Colonel French: I beg your pardon; it is imperative. It is levied by the grand jury.] Not for lunatic asylums? ["Yes."] I need not press the point further, because I have ample materials for the purposes of my argument. There is no law, either in Ireland or in any other country, which declares that persons of unsound mind generally shall have a right to receive that treatment which their peculiar state of mind requires. The Poor Law imposes no such obligation. The Poor Law obliges you to relieve the destitution of a lunatic, but no more. ["Yes, yes!"] Well, the laws in force in this country compel you to relieve lunatics only as you relieve other persons, and to prevent them from doing mischief; but it does not require you to apply to their case the difficult and costly processes to which recourse is had in those most benevolent institutions, the lunatic asylums. I believe I am stating that which is strictly the fact. ["No, no!"] Then hon. Gentlemen opposite can by-and-by state their own views on the matter. Is there, I would ask, in any country an Act of Parliament making its property liable for the cure of the blind? If so, why is not that done, and why are they left entirely dependent for the costly processes necessary in their case to voluntary contributions? What is the state of things in Ireland at this moment? What is the number of persons, who being of unsound mind, are now in the workhouses of that country? I want to see how these things work. The number of persons in Ireland who, at this moment being lunatics, are in workhouses is 2,742; in workhouses, remember, not in lunatic asylums. But the number of lunatics at large in Ireland is 6,564. I do not mean to say that all these are persons who ought to be provided for by legal provision; but I do mean to say that legal provision is not, and I believe, with all respect to those who may dissent from me, that legal provision was not intended to be made, and cannot indeed be made, applicable in general to those descriptions of distress which require costly relief. And for this plain reason—that a legal provision must be raised from classes of society which go down to the verge of destitution themselves, and you would inflict injustice if you trusted to the law solely for the relief of this kind of calamity. If you look into this matter you will find that as far as £250,000 a year is concerned—which I believe to be the outside amount of the fund with which we are now dealing—there is ample room, without removing any part of the burden now imposed upon property, for the beneficial application of that fund to the relief of distress which undoubtedly ought to be relieved, but which at the same time is not relieved, and the relief of which you cannot secure by the mere operation of the law. These are the considerations which I urge with respect to the particular plan we have proposed. The merits of the plan we have proposed will, I believe, bear being placed in comparison with those of any other scheme, but I cannot say that that is the only object which we have had in view.

When I ventured to submit this measure originally to the House it was with the statement that, as regards the residuary property of the Church, any plan which was to be satisfactory must, in our judgment, be of a final character. It must be final, that is to say, in this sense—that it must shut out from our doors for ever, as far as lies within our power, the risk of a revival of those painful, agitating, and dangerous controversies which for centuries have been connected with the state of religion in Ireland. We are unwilling to be responsible for the revival of those controversies. We have undertaken a grave responsibility in raising this question. We have never attempted to disguise or to diminish that responsibility. With a great object in view, and with an adequate plan for the attainment of it, human strength and human courage may well bear such a responsibility as that. But the responsibility of re-opening these questions without closing them —the responsibility of aggravating for the moment, as probably we have aggravated, the bitterness of those controversies, without at the same time finding a means whereby they may be finally extinguished and set aside—that is a responsibility which we dare not undertake. It must be for the conclusive judgment of Parliament, and not for our judgment, to adopt a legislative provision which we think so unwise. If better plans can be devised we are in a position to consider them, not only as far as details are concerned, but also the bases of those plans. But I entreat the House, after having now spent two years of the life of the nation mainly in the consideration of this great and vital question, not to hand down to those who are to follow us the evil, perilous, and destructive policy of renewed contentions respecting the ultimate disposal of the surplus of the Irish Church property. Some, idly, perhaps, yet not unnaturally, cherish the fond idea that, by a Parliament of a different colour, it may be restored to those who are now the Established Church; others, with a dreamy longing and yearning for the renewal of the visions of two generations ago, think that the time, though it has not yet come, may possibly arrive when the people of England, Scotland, and Ireland will become enamoured of concurrent endowment; while others, again, are determined to make the disposal of the surplus a battle-field on which they can display their theories and views of denominational or unsectarian education. Let us, however, do what lies within our power to make this great measure, which has necessarily been attended with strife, a means of allaying strife. Do not let us voluntarily leave ourselves charged with the responsibility of handing down so much food for future debate, so much fuel for future conflagrations with regard to Irish questions; and do not let us cause the first of our great experiments in the work of pacifying and satisfying Ireland to be a failure, not only in a negative sense, but in the sense, more painfully positive and real, of insuring and necessitating the continuance in future years of the very conflicts which it is our main object to put an end to. I beg now to move that the House disagree with the Lords' Amendment in line 8, page 1, of the Preamble to the Bill.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Gladstone.*)

MR. DISRAELI: I am of opinion that the House ought to agree to the Amendment made in the Preamble by the House of Lords. It is very important, Sir, that the House should clearly understand the nature of this Amendment, and what is really under their consideration. I do not find any fault with the right hon. Gentleman for introducing subjects on which we are not now called upon specifically to decide by agreeing to the Amendment before us, because I think that matters which are not included in this Amendment have been so mixed up in the debates in "another place" upon the Amendment, and have been so associated in the public mind one with the other, that it was quite fair for the right hon. Gentleman to advert to the subject on which he has dwelt at some length, and which, indeed, formed a principal part of his speech — that which is commonly called by the name of concurrent endowment. But I would call upon the House to remark that they are not called upon in any way to decide that question on this Amendment. And let me also remind them that the Peer in Parliament who moved this Amendment (Lord Cairns) is much opposed to concurrent endowment, and that he gave Notice of the Amendment before that question was originated in the other House of Parliament by a political Friend and supporter of the right hon. Gentleman. But, as the right hon. Gentleman has touched upon the question of appropriating part of the confiscated property of the Protestant Episcopal Church in Ireland to the relief of the Roman Catholic clergy, I wish, with the permission of the House, to make one or two remarks in order that our views on the subject may not be misunderstood.

Now, Sir, if the Protestant Episcopal Church is disestablished in Ireland, if its estates are confiscated, and if Parliament is of opinion that the proceeds of those estates should be appropriated to Irish purposes, I do not think it is open for anyone, as far as Ireland is concerned, to oppose the appropriation of a portion of the proceeds of those confiscated estates to the relief and support of any clergy or any body of men in Ireland. I do not think that hereafter, if the Protestant Church is disestablished, it will be open to anyone, as far as Ireland is concerned, to object in a public capacity to what he calls the endowment of error. As far as Ireland is concerned there will be no standard of religious truth or knowledge maintained by the State; and in a public capacity I do not see that any person, as far as Ireland is concerned, can object to any appropriation of that property on the ground of endowment of religious error. He may have his private opinions and conscientious convictions; but I do not think that, as far as Ireland is concerned, an objection on the score of the endowment of religious error could any longer be held, because, by the policy of this Bill, no standard of religious truth is acknowledged as far as Ireland is concerned. Therefore objections on that ground could certainly no longer be urged with any effect. But whatever might be the opinion of any Gentleman upon such grounds, whatever might be his objection to appropriating any portion, for example, of the proceeds of the confiscated property of the Protestant Church in Ireland to the maintenance or the support in any degree of the Roman Catholic clergy, it still would be open to that Gentleman—if forced to decide between such a proposal, as is called concurrent endowment in this case, and the proposition contained in this Bill for the appropriation of the surplus—it would still be open for him to decide which was the plan which, on the whole, would, in his judgment, be the least offensive to his private convictions, and he might then decide in favour of concurrent endowment. But on neither of these grounds do I wish to support this Amendment. The Amendment of the House of Lords, in favour of what, for convenience sake, the right hon. Gentleman calls concurrent endowment, appears to me to come down to us under circumstances which do not, on the whole, entitle it to the confidence of this House. The House of Lords themselves changed their opinion on the subject, and in neither case was their decision supported by a large majority. In that respect, I believe, they very much, and perhaps justly, represented the public feelings and opinions of the United Kingdom. It is a subject which public opinion is not ripe in any way to decide, and I certainly shall not feel myself called upon to support an Amendment expressing the opinions of the House of Lords on a question of policy of so grave a character, and one on which they themselves have arrived at contrary conclusions, and which on neither occasion has been supported by a commanding majority. Therefore I shall decline supporting, under any circumstances, the policy of what is called concurrent endowment. But I want the House clearly to understand that we are not now called upon in any way to give a decision on that subject. There may be a subsequent opportunity for doing that; but we are called upon, in the language of this Amendment, to postpone the appropriation of the surplus that will remain after the various provisions of this Bill have been complied with, and to leave it to be applied in such manner as Parliament shall hereafter direct. That is an Amendment which was brought forward by one who is opposed to the scheme of concurrent endowment, and which has been supported, let me say, in "another place" by the most eminent members of all parties; and it has been sent down here by a commanding majority of 70, which at least entitles it to our respectful consideration. I say it was supported by the leading men of all parties, because, with the exception of those absolutely representing the Ministry, there is hardly a class of political opinions in the House of Lords which by its distinguished adherents did not accede to this Amendment. Now, the right hon. Gentleman, in the first place, felt the difficulty of the case, because he has a new combination to meet it. He proposes a proviso, and, doubtless, he has consulted authorities before proposing it; but otherwise, so far as I could collect from hearing it, it is not an Amendment on the Lords' Amendment; and I cannot clearly understand how it can now be introduced. That is a technical objection; and if there be anything in it it will find its way. If there be nothing in it, of course that difficulty will be removed. But I have more than a technical objection to it. The whole purport of his argument and his declamation is this—that we must finally conclude ourselves. Well, what is this proviso? That a scheme shall be laid on the table of both Houses of Parliament, which may be discussed and probably rejected, and thus give an opportunity for every other scheme, perhaps, to be introduced to the notice of this House. Therefore I say that the proviso of the right hon. Gentleman, even if he can introduce it, of which I have doubts, is one that ought not to be sanctioned by the House, nor would it remedy the evils of which he is conscious.

Let us come to the great consideration which induced the House of Lords to propose that this appropriation should be postponed until public opinion should be matured as to the best manner in which, and the purposes for which, the surplus should be appropriated, and that this should be left for the wisdom of Parliament hereafter to decide. Now, I apprehend that what induced the House of Lords to adopt this Amendment was certainly not a feeling on the part of the majority in favour of what is called concurrent endowment, but a desire to prevent the precipitate waste of Irish property. When this Bill was under consideration in this House we had an estimate from the Ministerial Bench that the surplus would probably reach £400,000 a year. To-night it is reduced to £200,000. [Mr. GLADSTONE dissented.] I will not enter into any controversy about the amount; but I am under the impression that a greater sum than £200,000 a year, which is a considerable sum, is the question at issue. I have listened with attention to the right hon. Gentleman to-night; and of course—perfectly aware that this was a point on which the country required considerable satisfaction—he has given to it his utmost ability and consideration. Well, I ask the House, did he satisfactorily meet the objection taken to the appropriation made under the Bill, on the ground that it is vague and indefinite, that it will lead to wastefulness, and that it will fulfil duties which ought to be fulfilled by property at present? Were the circumstances which the right hon. Gentleman alleged at all of a character to bring conviction or give satisfaction to the House? I did not understand him really to maintain that the pauper lunatic in Ireland has not at this moment the same claim on the land as, in consequence of the wise statutes passed by Parliament, he possesses also in England. I am necessarily—as every gentleman, particularly if connected with a county, must be—aware of the effect of recent legislation for England as to pauper lunatics, and I know the great cost which every county is put to for their benefit. I did not know that Ireland was an exception to that, and I have not heard from any Irish gentleman that it is an exception. The right hon. Gentleman says—"Take the case of the poor blind man; how is he provided for?" Why, the blind pauper is provided for in Ireland by the Poor Law. But I ask the House, are they satisfied that, in a manner so vague as is suggested by the Bill, so large a portion of the property of Ireland, which certainly we all agree is to be allotted for the advantage of that country, should be left in the loose and unbusiness-like way in which it appears in the measure that we are called on to pass? This I conceive to have been what impressed itself on the attention of the House of Lords. The House of Lords may be in a balloon. They may be in the eminent position which those who wish to speak of them with respect so picturesquely describe. But I apprehend that, although in a balloon, the House of Lords have in this matter set an example to the House of Commons; and that we, the House of Commons, who will not vote a £5 note without a precise knowledge of what it is intended for, how it is to be raised, how it is to be appropriated, and how audited — that we should take a great portion of the property of the Irish nation and pass a proviso which, as far as I can form an opinion, would lead only to endless and competitive jobbery, is a conclusion at which I cannot bring myself to believe we shall arrive.

We have now a limited issue before us. We must get rid of all those schemes of concurrent endowment which have been introduced into the discussion of this measure by the political friends of the right hon. Gentleman, not by us; and we must not allow any prejudice to be raised against a business-like Amendment, like that which the House of Lords have passed, to prevent wastefulness and secure the wise appropriation of national funds, by discussions such as the right hon. Gentleman has introduced. We have, I say, a simple issue before us, and it is this — whether it would not be wiser, as there is no satisfactory proposition made to us with regard to the appropriation of the surplus, to allow that appropriation to rest until the matured opinion of the country, and especially of Ireland, shall have decided to what purpose it may be most beneficially applied? That is the only issue that we have before us. I think the Amendment of the House of Lords is an excellent Amendment—that it is full of good sense; I believe it commends itself to public opinion. It has come down to us supported by the opinions of the leading men of all political parties in the House of Lords, and supported, not like the question of concurrent endowment, ambiguously and equivocally by a small majority of 7, but by a majority of 70; and therefore I think it is fairly entitled to the respectful consideration of this House. I trust it will receive that consideration, and that the House will adopt it.

Mr. GLADSTONE: I now wish to explain one point, as I did not like to interrupt the right hon. Gentleman. I said there was a great margin of distress in the shape of sickness which was above absolute destitution and yet below abundance; and I stated that hospitals and infirmaries in Ireland were not compulsorily supported by law. That I understood to be contradicted. ["No, no!"] I have no doubt there is a legal machinery with respect to lunatic asylums in Ireland; but what I pointed out is that it is applicable to only a portion of the lunatics. So in regard to infirmaries. I am very glad to hear there is no legal compulsion on grand juries to levy county cess for the support of the sick in Ireland, for that makes out my case.

Mr. NEWDEGATE said, that although thoroughly disapproving the measure, both in its principle and its details, it was absolutely impossible for him to agree to the whole of the Lords' Amendments. He could not agree to the striking out of those words "be held and applied to the advantage of the Irish people, but not for the maintenance of any Church or clergy or any other ministry." It would be grossly inconsistent on his part, after the objections he had raised to the endowment granted to Maynooth College, on the very ground, that the Government were pledged not to appropriate the funds taken from the Irish Church to the maintenance or dissemination of any other religion — it would be grossly inconsistent on his part, and also, he ventured to think, on the part of all who voted with him in those divisions—if they were now to sanction the excision of those words, which precluded the application of the property of the Irish Protestant Church to the maintenance of any other religion. He lamented the course taken by the House of Lords in this matter. He lamented that they did not at once object to the disestablishment of the Protestant religion in Ireland. He thought they were actuated by an apprehension of some democratic outbreak, which he was convinced was totally unfounded; he feared their Lordships had not yet recovered from the panic, which they seemed to have taken after the passing of the Reform Act. The Amendment which the House was now considering seemed to indicate that the majority of the Peers were inclined from fear to lean for support upon the

Roman Catholic clergy. He hoped he was mistaken in that interpretation of the action of the House of Lords; but this he knew, that hon. Members on both sides of the House of Commons were deeply pledged against concurrent endowment. He excepted the right hon. Gentleman the Member for Buckinghamshire, for he had distinctly spoken in favour of concurrent Establishments in 1843; and again in 1844, he spoke in favour of that idea. He differed from the right hon. Gentleman then, and he differed from him now; and the more strongly, because this concurrent endowment was to be tendered, just as the Maynooth endowment was originally tendered in 1845, without conditions, and without communication with the Roman Catholic authorities; and he asked the House whether they had any great reason for satisfaction with the result of the Maynooth endowment. When had there been a period marked by a blacker catalogue of crime and outrage in Ireland, for many preceding years, than signalized the passing of the Maynooth Act of 1845? Had Ireland been more peaceable since then? No; Parliament passed the Maynooth endowment, and there was an abiding conviction in the country, that they had made a great mistake. The noble Lord, who made this proposal of concurrent endowment, appealed to the action of Mr. Pitt, and he ought to know what the conduct of Mr. Pitt was, for he was his biographer; and, in his biography, he strove to excuse and to explain away the fact, that Mr. Pitt offered to take Office within a year after his proposal for the payment of the Roman Catholic clergy and to enfranchise the Roman Catholics was rejected by the King and the nation. Lord Stanhope, in his history, excused Mr. Pitt for what he considered gross inconsistency. But who first suggested the proposals which Mr. Pitt adopted? Lord Cornwallis, of whom Sir George Lewis said, that he was a man eminent for anything but statesmanlike perspicuity, though a good man of business as a subordinate. And by whom was Lord Cornwallis supported? By Lord Castlereagh, then a very young man. There was no reason to suppose that Mr. Canning was not right, when he said that Mr. Pitt had not left Office, because the proposal for the payment of the Roman Catholic priesthood was opposed, but because he knew that his position in the Cabinet would thereby be altered, and that he should virtually be placed in an inferior position if he remained in Office. He (Mr. Newdegate) knew that there was evidence to show that Mr. Pitt had found that he could not obtain those which he deemed the requisite safeguards, if the Roman Catholic priests were not to be endowed, as was now proposed, but for giving them stipends. Mr. Pitt, therefore, virtually receded from his proposal, and he left Office; not so much on account of the rejection of his proposal, as on account of the altered position in which he would have found himself in the Government. He was, therefore, as much surprised as the right hon. Gentleman the Premier that the authority of Mr. Pitt should have been cited in favour of unconditional endowment, when Mr. Pitt's proposal never went beyond the granting of stipends to the Roman Catholic priests; and on this condition, that if they should officiate without license from the Crown, they should be immediately subjected to perpetual banishment. So far, therefore, as his vote could go, no property of the Irish Church should be appropriated to the maintenance of any other form of religion. Mr. Pitt never made that proposal; he proposed that the property of the Irish Church should be maintained, but that the payment of the Roman Catholic priests should come out of the public funds. Mr. Pitt would never have sanctioned such a proposal as had been made in the House of Lords, and sent down to that House—he must say with little consideration for the pledges, which it was well known that the majority of that House had given against any such endowment. This was a most dangerous measure. He hoped the controversy which it had raised might soon cease, although he did not at all expect that it would; but if anything could aggravate that controversy, it was the kind of surreptitious act—if the Lords' Amendment to that effect were adopted—by which the property of the Irish Church would be transferred to other denominations, and particularly to the Roman Catholics, because they had it on the authority of Bishops of that persuasion — he would cite for one, that of Dr. Goss of Liverpool — that any such proposal must be submitted to the Pope before it could be accepted; and, therefore, when the House of Lords thought they were dealing with the Roman Catholic priesthood only—they, in the House of Commons, knew that they were dealing with that Power which, at this moment, had proved itself revolutionary in every country in Europe. It was now known that, notwithstanding the most ample provision made for the Roman Catholic priesthood in Poland — because the Russian Government asked for a Concordat such as France had with the Holy See, a rebellion was stirred up by the Pope in Poland. They knew, also, that so lately as 1865, notwithstanding the existence of the Concordat between France and the Holy See, the Pope issued directions to the Archbishop of Paris to disregard and violate the terms of the Concordat and the fundamental laws of France, which the Archbishop, as a Senator of France, had obeyed and defended. His Holiness condemned this conduct on the part of the Archbishop, and told him that, as he was so unfaithful as to think himself bound to obey the laws of his country, he would not allow him to visit the Dominicans, the Franciscans, the Jesuits, or other Regulars, whom the Pope claimed as his own peculiar agents. For his own part, he would never consent to the transfer of the property of the Irish Church to any other body.

Mr. ASSHETON CROSS said, he rose for the purpose of asking a question as to a point of Order, but he could not help saying, in the first place, that they were in danger of dividing on a totally false issue. He could not but think that the speech of the Prime Minister had put the matter in such a way that the votes to be given on the question might be misconstrued by the constituencies which they represented. Now, differing as he did totally from the Prime Minister in his reasons for touching the property of the Irish Church at all, and from the conclusions which he drew as to the differences between the Church of the majority and the Church of the minority, he had always said, both in that House and out of it, that the only logical conclusion which the right hon. Gentleman or anybody else could draw from his premises was that he ought to hand over the funds of the Irish Church, or the greater part of those funds, to the Church of that majority; and the only reason why he did not do so, and dared not do so, was that it was that English ascendancy—it was that very Protestant ascendancy which the right hon. Gentle- professed to be seeking to destroy—which prevented him from applying the funds in the only logical way. In the speech of the right hon. Gentleman on the introduction of the measure he argued that public opinion was against it, and the words that had fallen from him to-night confirmed him in the statement that it was English feeling and Scotch feeling that prevented the right hon. Gentleman from coming forward with a scheme for concurrent endowment. In giving their votes, therefore, on the question before the House, he hoped it would be understood that they were not voting for that concurrent endowment. There was another question upon which they would very shortly have to vote, and upon which they might fairly give an opinion, and the reasons upon which they should vote. Since the scheme for the distribution of the surplus brought forward by the Government not a single man had lifted up his voice in favour of it. The whole Press was against it, and not a single Member of the House of Lords had a word to say for it. Was it not wise, therefore, to say that, for the present, they would postpone their judgment, as to the distribution of the surplus? When the question was before that House on a former occasion there was an objection made to the application of the surplus by the noble Lord the Member for Middlesex (Lord George Hamilton), who said that if they adopted that mode of distribution it would be a practical endowment of the Roman Catholic Church in another form. The question which he wished to ask was whether it was not competent to a Member of that House to move that the division on this matter should be taken in two parts, and that the question of the surplus might be postponed and a separate vote be taken upon it after the first part of the Preamble had been disposed of. It should be remembered that they would have no funds to apply for a space of about ten years. ["No."] Well, then, for a great number of years. [An hon. Member: One year.] It would certainly be about ten years before the Commissioners would get the whole of the funds. But the right hon. Gentleman wished to force the House to his own conclusions, and to do that which no Prime Minister ever did before—namely, to make a sort of political will as to how Parliament should deal with these funds long after the Ministry on those Benches should have ceased to exist. He wished to ask whether it was in Order to move that the proposition be divided, and that the Question be put as to the first part, stopping at the word "religion?"

**MR. SPEAKER**: It is possible to move an Amendment upon the proposition before the House, and if the hon. Member proceeds to move an Amendment such as he has suggested, it may be done without infringing the Rules of Order.

**SIR GEORGE GREY**: I quite agree with the hon. Member who has last spoken that we are involved in a great difficulty in discussing this Amendment as a whole, and that great inconvenience arises from discussing the Preamble at all at this stage. When we are in Committee on a Bill we postpone the Preamble, because we regard it as a flexible statement of the objects of the enactment, to be altered at the close of the Committee so as to correspond to the clauses as they stand in their amended form. But I believe the strict rule of the House has been to take the Amendments sent down from the Lords as they stand upon the Paper, and I suppose we must follow it in this case, notwithstanding the inconvenience of discussing Amendments in two clauses not before us, and without having our attention specifically called to what the terms of those Amendments are. Yet, if we agree to the Motion of the Prime Minister, and disagree from the Lords' Amendments in the Preamble, we shall insert words in the Preamble which will virtually decide the Amendment on Clause 27; and if, on the other hand, we agree with the Lords' Amendment, we absolutely determine, without considering the precise Amendment, that the appropriation of the surplus shall be postponed for an indefinite period. Now, Sir, I know that my opinions differ from those of most of my hon. Friends who are sitting around me — I do not know that they differ from the individual opinions of the Members of Her Majesty's Government — I have strong convictions upon this subject, and I am bound to assert my opinion that the Amendment introduced into the 27th clause, from the consideration of which we shall be excluded if we disagree altogether with the Lords' Amendment in the Preamble, is wise and politic. The question has been unjustly prejudiced by having the words "concurrent endowment" applied to it. The term "concurrent endowment," as explained by my right hon. Friend, applies to the scheme originally proposed by Mr. Pitt, and sanctioned by a later Resolution of the House of Commons—namely, the endowment of the Roman Catholic clergy, setting them up side by side with the Protestant Church of Ireland, and giving the State some control over them. That plan would have resulted in the establishment of two Churches, an utterly impracticable plan now; but I think Mr. Pitt was wise, under the circumstances he was placed, in the view he then took; and if his plan had been carried out we should not now be driven to the necessity, in order to do justice between the various denominations, to—I will not say disestablish, because it might be right in any case to destroy the political ascendancy of the Protestant Church in Ireland as connected with the State—but to disendow the Established Church, which I, for one, regret. I am now obliged to advert to this Amendment, because my right hon. Friend, after having stated the distinction between concurrent endowment, as generally understood, as proposed by Mr. Pitt, and as advocated by many statesmen since Mr. Pitt's time, and the proposal contained in the Amendment sent down from the Lords, argued against concurrent endowment generally in the abstract, as if we were asked by the Lords' Amendment to sanction what is called "concurrent endowment." If we were discussing this Amendment now, it would be easy to show that the term "concurrent endowment" is improperly applied to it, and that the Amendment really gives effect to the principle of the Bill, that of establishing religious equality among the various religious bodies. But it goes further than we originally did in acting up to the language of the Preamble, and satisfying those principles of religious equality by dealing justly between the different religious bodies. Disendowment will be only partial under this Bill; it must necessarily be so owing to the private endowments of the Church and to the consideration which must be given to private interests. But, independently of that, referring for a moment to the clause relating to the glebes, as the Bill went from this House these glebes were not to be given to the clergy, but the Church Body were to have the right to pre-emption of the residences and the curtilages surrounding them, and they had such right of pre-emption at a favourable rate. Now, what will be the result, either if the Bill stands as we originally passed it, or as it stands now, with regard to the glebes for the Protestant clergy, without the Amendment for providing parsonage houses for other denominations? The inevitable result will be that the clergy of the Established Church, after the life interests are extinguished, will remain in permanent possession of those houses; and, perhaps, in many cases, with a very trifling congregation — while the Roman Catholic priest or Presbyterian minister, attending to the spiritual wants of the bulk of the population of the parish, will be housed in a wretched hut, unfit for a minister of religion. Now the proposition is, that a certain sum of money, not from the Consolidated Fund, but to be realized by disendowment, should be devoted, in accordance with justice, to providing for the clergy of the three denominations into which the people of Ireland are divided, decent residences. Would public opinion support a Protestant landed proprietor, having his estate occupied by Roman Catholics, in withholding sites for Roman Catholic priests? Would not public opinion rather sanction his giving out of his estate sites for those residences, and even contributing to the building of the residences, without suspecting him for a moment of having compromised himself in the matter of religious consistency by so doing. From a statement made "elsewhere," we know that course has been adopted by a nobleman in Ireland; and, although he has not himself told us so, one of the results of his generosity has, no doubt, been an increased feeling of respect and attachment to himself—but he did say the result had been that, instead of the animosity and hatred which too often prevail between the different sects in Ireland, a feeling of harmony and good fellowship had arisen among the people. If the Amendment of the Prime Minister is made, the result will be a permanent inequality between the Protestant clergy and the clergy of the Presbyterians and the Roman Catholics; and not only so, but an equality which will meet the eye every day. I, therefore, think we should do very wisely if we agreed to this Amendment of the Lords. I deeply regret that the Government opposes it; for I suppose, as the right hon. Gentleman speaks in the name of the party, there is very little chance of the House agreeing to it; but, judging by the speeches which we have read, coming from the Members of the Government, and even from what we have heard to-night, I cannot help feeling that the Members of the Government are individually in favour of this scheme, but that they think they are bound in honour to the country not to assent to it. If we had this question before us on its merits, I should vote for agreeing with the Lords in this Amendment to the 27th clause; but to the latter part of the Amendment, made in the Preamble, I am opposed; and, in this respect, I differ from the hon. Member for South-west Lancashire (Mr. Cross). I agree with my right hon. Friend below, that it would be unwise to say nothing in this Bill as to the appropriation of the funds, but leave them to be scrambled for. If we did that, we should have meetings all over the country, suggesting and discussing all manner of appropriation; and it would, perhaps, make it necessary to bring in a Bill next Session raising the whole question again. I would recommend an alteration of the Amendment, so as to raise the questions involved independently of each other.

MR. GLADSTONE: I am not desirous at all to give the hon. Member for South-west Lancashire (Mr. Cross) the trouble of moving an Amendment upon my Amendment. I naturally moved to disagree with the whole of the Amendment, the whole of which I disapproved of; but after the wish expressed by the hon. Member, I will move, in the first instance, to disagree with the Amendment down to the words "teaching of religion." Of course I shall subsequently move that we disagree with the rest.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment as far as the word 'religion,' in line 10, inclusive."—(*Mr. Gladstone.*)

Dr. BALL said, the words proposed by the Motion to be restored to the Preamble were those words which declared that the surplus arising from the disendowment of the Church should not be applied to any clergy or ministry, or for the teaching of religion. He had objected to the insertion of these words before, and he now repeated that those words formed a declaration by this House, for the first time in the legislation of England, of a direct prohibition of maintaining religious education from public sources. The matter had been heretofore debated as if no question were involved in the retention of the words, except the Lords' Amendment providing glebes for the ministers of the three religions; but the words were just as much opposed to exclusive grants for the benefit of the Protestant Episcopal Church as to grants for that Church in conjunction with the Roman Catholic clergy. If the Lords' Amendment were rejected, how could they afterwards consistently make provision in favour of the Amendment which gave to the Church the Ulster glebes? What was that Amendment but an application of property for the maintenance of the clergy and for the teaching of religion? The insertion of the words sought to be restored, was absolutely essential to the policy of the right hon. Gentleman at the head of the Government. For what was that policy? From the commencement it was what he termed religious equality, to be attained by conferring no benefit upon any religion as a religion. If this policy were laid down, then, no doubt, the words ought to be introduced; but every man who thought it the duty of a nation to make that public acknowledgment of its obligation to a Supreme Being which was involved in the maintenance of a ministry to teach religion and virtue, ought to be opposed to the introduction of these words. He made these observations because of the speech of the hon. Member (Mr. Newdegate), who had totally misunderstood the operation of the words to which he objected. Did the hon. Member mean to tell the House that in his opinion a nation should not have religious teaching? [Mr. Newdegate: No.] Well, if not, why record ostentatiously on the face of the Bill a declaration that there was one mode of applying the money which alone was prohibited, and which alone was pronounced impossible and unjustifiable, its application to the teaching of religion? Everyone knew why the hon. Member would do this—because he was alarmed and terrified lest a particle of the money should by any chance reach his Roman Catholic fellow-countrymen, and therefore he now discarded the very principle of religious teaching and the acknowledgment of religious obligation to which he at other times professed to be attached. Now, he (Dr. Ball) objected to the restoration of those words—first, because of the alarming and extensive principle involved in such a declaration, and again, with relation to this particular Bill and the Amendments before the House, because if the words were restored, they would place in the mouth of the right hon. Gentleman a powerful argument against every subsequent Amendment of the House of Lords. It was perfectly consistent on the part of the right hon. Gentleman to restore the words, because he had announced that he would oppose any Amendments conferring a benefit on the Church, that is, a benefit on it as an institution. But the restoration of the words was not consistent with the policy of the Conservatives, either those who thought that there ought to be religious teaching by one Church selected by the State, or those who thought the teaching should be not confined to one religious denomination. In fact, if the words were restored you negatived the Amendments of the Lords in favour not only of the Church, but of the Catholics and the Presbyterians. You involved the whole in one sweeping condemnation. He was in favour of supporting the Lords' Amendments, which he viewed as, when taken together, presenting a scheme of legislation as favourable to the Church as could, under existing circumstances, be obtained, and as yet being fair to other religious systems. He hoped to be excused if he added that no one could charge him with now, for the first time, supporting the view taken by the House of Lords upon this question. He had learned what principles he held on the subject from the writings of Mr. Burke, and from the study of the great statesmen who followed in his footsteps, and on the first occasion on which he spoke in this House he spoke in favour of a generous acknowledgment of all denominations of Christians. The right hon. Gentleman was perfectly right in saying that this was not the plan of Mr. Pitt; that it was not surrounded by the various safeguards by which Mr. Pitt surrounded his plan, or which were contemplated when Lord Francis Leveson Gower moved his Resolutions with respect to the payment of the Roman Catholic clergy as a measure which ought to accompany Catholic Emancipation. But the House had now before it a very limited matter, and not the large measure which was then spoken of; and it did appear to him that a person might vote for giving glebes to the clergy of different denominations even though he was opposed to an extensive plan of general endowment. For the State to give land for glebes was but a slight extension of the principles which induced Protestant proprietors of land to give a house for the use of Roman Catholic clergymen. This had often been done by those who would wholly object to subscribe for their maintenance. The objection to the Amendment giving the glebes from the Government surprised him. He would name one person on the Treasury Bench who actually brought forward this scheme of giving glebes, though he would never have assented to any large scheme of endowment. This was the President of the Board of Trade, who in a letter to the hon. Member for Kilkenny (Sir John Gray), published in the second volume of his speeches, spoke of the grant of a house and a small piece of land from ten to twenty acres to the Roman Catholic Church. The right hon. Gentleman (Mr. Bright) estimated the amount required at about £1,000,000, and said that from Scotland, and probably from certain quarters of England, there might be opposition to the great crime of handing over £1,000,000 sterling to the Roman Catholics of Ireland. Many would think it, he said, a national sin, and others would honestly doubt the wisdom of such a course. He (Mr. Bright) then went on to say that he was as much opposed as any man could be to religious endowments; but the right hon. Gentleman, while an enemy to establishments, felt that he could consistently support a proposal for giving glebe houses to the Irish Catholics, and said of any man who could object to it that his statesmanship "was as wanting in wisdom as his Protestantism lacked the spirit of true Christianity." Now, when

he (Dr. Ball) was told that the English people had decided on this question, and that the right hon. Gentleman and those around him were returned to carry out no other view than one of the total demolition of every possible endowment, and the complete isolation of the State from connection with every form of religion, what security had he that the constituencies did not return the right hon. Gentleman because they approved of his letter? The right hon. Gentleman was not a humble person whose words were as nothing. And this was no hasty expression, but a deliberate manifesto, made by the right hon. Gentleman when going to Ireland as a missionary and an apostle of the new doctrines which he was to promulgate for the regeneration of the Irish people. It was an elaborate and matured manifesto, one which there could be little doubt Mr. Pitt would have read with approbation, and yet they were told that the right hon. Gentleman's return, among others, proved conclusively that it would be wrong to deal with this question in the way which he had himself suggested. He (Dr. Ball) thought that it was not open to this House, after its legislation in respect to Canada and Maynooth, to assert that the State disclaimed as objectionable in principle either pecuniary assistance or other bounty for the benefit of Roman Catholic clergymen. Besides, as the right hon. Member for Buckinghamshire (Mr. Disraeli) had well observed, it was a consequence of the disestablishment of the Church, that, as there was no system of religion which had their preference in Ireland, so there was no system of religion which had their condemnation. The right hon. Gentleman at the head of the Government made a declaration on the subject long since. The right hon. Gentleman at the head of the Government had expressed similar views as those he (Dr. Ball) now put forward as to the effect of the Maynooth Grant. He abandoned Office in 1845 on the Maynooth question, and said, with reference to the grant to Maynooth—

> "I am far from saying that it virtually decides upon the payment of the Roman Catholic priests of Ireland by the State; but I do not deny that it disposes of the religious objections to such a project."

He cited these authorities from the Treasury Bench for the purpose of impressing upon the House that this particular objection to the course which the Lords had pursued, founded upon the impropriety of an endowment of Roman Catholicism, was an objection which their own legislation had controverted upon previous occasions. He (Dr. Ball) must also remind the House of an old Act of Parliament which had been very much over-looked in the course of these debates. At the time of the conquest of Canada there was inserted in the Articles of Capitulation a provision that the Roman Catholic religion was to be respected with reference to its rights, and, expanding the letter of this engagement, a Bill was introduced into the British—not the Canadian—Parliament to endow and establish the Catholic Church in Lower Canada, and that Bill was carried in the face of every one of the objections urged on the present occasion to the Lords' Amendment giving glebes. He did not ask them to originate an extensive scheme now, but here they had Amendments by the Lords conceived in the spirit towards the Roman Catholics of Ireland which the right hon. Gentleman the President of the Board of Trade had recommended. Take the Amendments as a whole, and they were neither excessive nor unfair. For the present question it was enough to say, that no one who respected the principle of religious endowment could support the Government.

MR. BRIGHT: Mr. Speaker, I think it unfortunate that this debate has fallen, necessarily, perhaps, into some confusion, because one portion of it has been devoted to the question of the distribution of the surplus, and the question as to the distribution is whether it should be distributed now or at some future time. The right hon. and learned Gentleman (Dr. Ball) has turned the debate to another point, which I admit to be one of very great importance, and on which I believe there is a remarkable unanimity of opinion in this House. He has done me the honour to appeal to a letter which I wrote on the subject about seventeen years ago—not at a time when, as he said, I was meditating an invasion of Ireland, but a little time after I paid a visit to Ireland. It was a letter written to the hon. Member for Kilkenny (Sir John Gray) at a time when there was about to be held in Dublin some conference of Irish Members and other Irish gentlemen, with a view to the general consideration of Irish questions. I was invited to that conference. I could not attend, and I wrote a letter giving my opinion as to the Church question. I believe it was a wise letter at that moment. I am prepared to adhere to every word that was in it. At the same time there can be no doubt whatever that the proposition that letter contained met with no support from the Protestants of Ireland, and has certainly met with no support from the great body of the Protestants of Great Britain. I was regarding the question as one of the most difficult that could come before the country or the Government, and I was looking at it merely as a question of political justice without reference to the small matters of endowment. I proposed that on the abolition of the Established Church in Ireland there should be given to it £1,000,000 as a nucleus for a sustentation fund; £1,000,000 to the Roman Catholics of Ireland—about £1,000 for each parish—to provide priests' houses and some ten acres of land; and £1,000,000 to the Presbyterians of Ireland; that the Maynooth Grant and the *Regium Donum* should thereupon cease; and that the whole of these should in future be considered totally disconnected as religious societies from the State, and be in the same position as the Wesleyan body in England and the Free Church in Scotland. That would have been a measure of great political justice—a measure of political equality; but we know perfectly well that in this country there has grown up from that time to this an increasing hostility to religious endowments. At this very moment we hear by every post that the Protestants of Ireland would rather go out naked on the hill-side with their Church than take anything from the funds they hitherto possessed and hand it over to their Roman Catholic fellow-countrymen. If I were in favour of religious endowments I would be ashamed of uttering such a sentiment as that. I find in Scotland, apart from the hostility to the Roman Catholic religion, that if it were a question to endow the Presbyterians or Wesleyans of Ireland there would be a universal cry of condemnation on the part of Scotland, and I believe there would be an equally universal cry of condemnation on the part of England and of

Wales. The question offered for consideration in my letter to the hon. Member for Kilkenny is not one that it is competent now for any Member to carry. There has not been in our time any Minister more powerful than my right hon. Friend at the head of the Government; but the right hon. Gentleman the late Home Secretary knows, and the hon. Member for South-west Lancashire (Mr. Cross) knows, that all my right hon. Friend's influence and power would break and shiver like broken glass if we were to propose by these funds to endow the Roman Catholic Church in Ireland. And if that be so, why should we not dismiss that question? I do not blame my right hon. Friend the Member for Morpeth (Sir George Grey) for his observations. He was one of those who, more than thirty years ago, was voting upon this question of money, on the principle of political equality to which he refers; and, doubtless, he sympathizes with his noble Friend who, on the Liberal Benches in the other House of Parliament, supports the principle of concurrent endowment. But he is obliged to admit that he cannot expect that support from either side of the House; and though I am not sure that he said, I am certain that he will admit, that he could not look for any kind of suppport from the country that would enable any Minister to carry such a scheme through this House. Leaving that, let me, for one moment, address myself to the question that is before the House. Some hon. Members want to make it appear that there are two questions before the House—one for delay in the appropriation of the surplus, and the other for endowment; but the fact is that the one question depends upon the other. What did the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) say to-night? He said, if this question were determined against him, it would settle other propositions further on in the Bill. He knows perfectly well that the Preamble, as it stands, as it has come down to us from the Lords, is tied up indissolubly with other propositions in the Bill. The right hon. Gentleman says himself, with the question of the Ulster glebes; and the right hon. Gentleman knows that it is tied up with the delay in the distribution of the surplus. I think, Sir, that as we are upon the House of Lords we are not kept to that rigid avoidance of mentioning that Assembly that we are upon other occasions. You will recollect, when the question came on in that House, how Lord Grey proposed an alteration in the Preamble. Why did he do it? For the very purpose that he might eliminate these words, and that he might leave the course open for his own ancient—not newly taken up—opinions and policy, which was to distribute a portion of the surplus to the Roman Catholic Church—I hope in proportion to the numbers of that Church in the population. Lord Grey's view has been laid before the public in a letter which he did me the honour to write to me only last Session. He proposed to give the Roman Catholic clergy what he thought their fair share in proportion to the Roman Catholic population. He said—

> "Let us take these words out of the Preamble, and when we come to the clauses we will be able to give what we like to the Protestant Church in Ireland, and give what our opponents will allow to the Roman Catholic Church in Ireland."

Therefore it is quite clear, and I have not the smallest doubt, that if it had not been for the proposition for concurrent endowment no one in the House of Lords would have proposed to delay and leave undetermined the distribution of the surplus. The fact is that we know perfectly well that all the Whig Peers that voted against the Government acted on that principle, and we know that a portion of the House of Lords acted on it when the Marquess of Salisbury adopted that principle. And we know also how those who wished to embarrass the Bill of the Government acted with Lord Cairns. The conclusion to which I am compelled to come is, that the sole effect of delaying the distribution of the surplus is to leave that surplus in hand, so that hereafter, when public opinion—which has not yet begun to grow in that direction—is right for a more extended endowment, then some future Minister may take these £5,000,000, £6,000,000, or £7,000,000, and make some distribution of it towards the teaching of the religion of various sects in Ireland, to which, I believe, the House and the country are not ready to consent. The right hon. Gentleman says that this question has been slightly discussed. All I know is, that I sat continually in this House for twelve nights, from four o'clock till midnight, almost without leaving. I was here a great deal more than the right hon. Gentleman. He looked to me excessively weary on many occasions, and did not sit out the whole of the discussions. The real reason why this question of the distribution of the surplus was not much discussed was this—that we could not discuss it upon the basis upon which it was discussed in the House of Lords. Unless you could say in the Preamble that you wanted the surplus for concurrent endowment at some future time, that was not open to you when you came to consider the actual plan in the Bill. It is easy to cavil at it, as I believe it would be at any other plan; but still, looking at the whole difficulty of the case, it was a measure fair in proposition, and you were not entitled to find fault with it. Why, the interest of this surplus is only about the income derived from some rich nobleman's estate. I believe there are some half-dozen great proprietors in this country whose annual income will amount to as much as the whole of the interest of this surplus. It is not a question that the two sides of the House need very much quarrel about. Least of all is it, I think, a question that the two Houses of Parliament ought to come to an irreconcilable conflict about. It is a matter of importance; but I defy any man to show any other mode of the distribution of the fund which would not at least be as liable to as much objection as can be raised to this mode. As to education nothing would be more reasonable, nothing would be more proper, than to apply the fund in promoting education; but that question is surrounded with difficulties. They are known quite as much on that Bench as on this. You might use the fund for the purpose of making some transfer of landed property, such as I ventured to suggest. That is a mode of distributing the fund that would recommend itself, as the House may suppose, very much to my feelings. Indeed, when hon. Gentlemen have learned a little more with regard to this question, it is possible that the surplus might be employed for that purpose without actually disturbing the income from it. But that is not a plan I am recommending. I am recommending what is in the Bill, as it is my honest duty, on principle, to do, because I believe that the plan proposed is the only one which will give relief to classes to whom the relief given by law is a very bare kind of relief. Let the House remember this—that all the persons to whom this relief is given are not voluntary sufferers. There will not be one blind man, one dumb man, one lunatic man the more in Ireland in consequence of the money that you offer in charity for their relief. They are the classes of our fellow-creatures to whom the law in this country as yet has not adequately and kindly enough ministered, therefore, I say that in coming to a settlement of this great question, in doing something that I hope will tend to the healing of these three nations, we may feel the satisfaction at the same time that it was done for the purpose of giving unusual relief to those whom God has permitted to be amongst the greatest sufferers of His creatures; and if they are unable, in their blighted and hopeless condition, to thank you, in their hearts they will do so, and at least Heaven will bless the distribution you make of the funds thus coming into your hands.

MR. CAWLEY said, he could not give a silent vote on this question, particularly after the direct allusion made by the Prime Minister to the Lancashire Members and to the speeches delivered from the front Opposition Bench. At all events, he was one of those who could not give his consent to concurrent endowment, and he, therefore, could not vote for the omission from the Preamble of the words which the Lords had struck out, because their omission would leave it open to use the surplus for concurrent endowment. Any hon. Member who believed the clauses introduced by the Lords were consistent with justice might vote for them, and still vote for retaining the words of the Preamble having reference to the surplus hereafter to be divided, for those words after the passing of the Act could refer to nothing but the surplus. One word in reference to the endowment of Roman Catholics. He should be sorry if it were supposed that he, for one, was objecting, as had been suggested by some hon. Members, to the endowment of error as error. He objected to the endowment of the Roman Catholic Church, not on the ground of its error, but on the ground of its independent political organization. He agreed that if there were to be an endowment of religion in any form whatever, the State must retain its control; but the Roman Catholic Church would not brook the control of the State, and, therefore, he objected to endowing it. He dissented altogether from the proposition that the recognition of any religion by the State rendered necessary the recognition of all religions; what he would say was, either we must have an Established Church, or, if we had none, we must not endow any religious body whatever. He was thoroughly opposed to the Bill; but he would not on that ground consent to any modification of it which would leave it open hereafter to apply the surplus to the endowment of the Roman Catholic, or of any Church whatever.

Sir ROUNDELL PALMER: I agree with one remark made by the hon. Member who has just sat down. It seems to me that, even if the Preamble be restored to the exact and precise shape in which it left the House of Lords, there would be nothing to prevent any Members of this House, who believe that the Church to which we ourselves belong has a just and equitable claim to those terms which the Amendments of the House of Lords have conceded to it, voting for the Amendments made in the subsequent clauses. Nay, more, there would be nothing to prevent those who think that, under the circumstances, the Roman Catholics of Ireland have a just and equitable claim, in order to carry out the principle of equality as between the several religious denominations in Ireland, to that which the Lords have given them by the 27th clause, also voting for the Lords' Amendments, even if the Preamble were restored to its original state. Have we not over and over again heard it imputed to my right hon. Friend that he has done that which was inconsistent with his own Preamble in giving Maynooth College, out of the property of the Church, that compensation which by the Bill he proposes to give? And what has always been the answer of my right hon. Friend? That the pledge against giving anything to religious purposes applies only to the residue or surplus after answering all just and equitable claims; and, therefore, anyone who thinks that the Roman Catholics, or any other body of Christians in Ireland, have just and equitable claims which ought to be satisfied in a certain manner, certainly would not be precluded from giving effect to that opinion, in whatever form you leave the Preamble of the Bill. I entirely agree with the right hon. Gentleman above me (Sir George Grey), and with my right hon. Friend in deprecating the course of leaving open to future discussions in future Parliaments the distribution of this surplus. I do not believe that that would mitigate any evil effect which the Bill would otherwise produce. I do not think it would be conducive to or promote any good effect which the supporters of the Bill expect from it, and, therefore, it is impossible for me to support this Amendment of the Lords.

With regard to that other large and important question which has been introduced into this discussion, the House will permit me to express candidly the opinion which I entertain. I have never been an advocate of concurrent endowment, because I have sympathized largely with those who are unwilling to take active measures towards the endowment and support of a religious system not in accordance with their own convictions. Partly under the influence of that feeling, and partly recognizing the fact which everyone must observe—the actual state of public opinion on this subject—I have acquiesced—contrary to my own sense of what the logic and reason of the case would require, and contrary to the inevitable result of the views of justice on which this Bill is founded—I have acquiesced in what appears to be the determination of the country not to admit anything in the shape of concurrent endowment. But when this Bill comes down from the other House of Parliament with this Amendment, intended to give better and fuller effect to the statement in the Preamble, that, upon principles of equality as between all denominations, all just and equitable claims shall, as far as possible, be satisfied; when, despite the resistance of the friends of the Irish Church, the greater portion of the property of that Church is to be taken away from her—certainly not in accordance with my sense of what is equitable and just, I find it quite impossible to refuse to the great majority of the Irish people this very moderate boon, which the Lords have proposed to confer upon them. I cannot admit the assertion, that it is contrary to the principle of the Bill. Do not imagine you make the principle of the Bill by putting particular words into the Preamble. The real principle of the Bill is that the property of the Irish Church is now to be dealt with as the property of the State; that this property is held by the State in trust for the Irish people; that ages ago it was taken from the great majority of the people for whose religious purposes it was intended, and that it ought now to be devoted to Irish purposes on principles of strict equality. This being so, can anyone pretend that in justice no portion of the property so taken from the Irish Church should be enjoyed by the great majority of the Irish people for religious purposes? Let it never be forgotten that you have not been quite so unjust and ungenerous to the Irish Protestants as some persons in their zeal for the cause of the Irish Church seem to imagine. There are traces of generosity towards the Protestants in this Bill, considering always the principle on which the Bill proceeds. On terms very different from those which would require the payment of the full value, it leaves them the residences of the clergy; and it leaves them free the churches themselves, including the magnificent cathedrals—these churches and cathedrals being the most visible signs on the face of the country of what has been as well as what is now. All those things remain, because you have not been able to steel your hearts to such violent wrong as would have been done to the Protestants if they had not been suffered to remain; but having left so much to the Protestants, you say that not even residences shall be given to the clergy of the great majority of the people of Ireland out of the funds taken from the Irish Church, and which are no longer to be applied to their original purposes. Now, what is the principle on which this is refused? Is it on the principle that you cannot consistently give any portion of what is State property to be used for the religious purposes of a majority of the people, unless you agree with that majority in their religious system? If we are to proceed on such a principle as that, are we not telling all who do not agree with our own religious system—all Roman Catholics and Presbyterians—that they are compromising their religious principles by permitting any portion of what this Bill regards as public national property to be enjoyed by an Established Church to which they do not belong, either in Scotland or England? It is manifest that we should not like to have all these questions dealt with on such principles. Therefore I say, without any violation of conscience, we may be passive when that is done which, upon the principles which we profess, would be just and logical towards a religious community to which we do not belong—that, in short, we do in Lower Canada, what we do in the cases of our workhouses and gaols, and in the more extreme case wherever we support by law religious endowments among heathen nations over which we bear rule. Well, if that be so, what is the real and true reason why this is now impossible? I do not at all deny what has been said by my right hon. Friend the President of the Board of Trade, that, perhaps, it may be impossible; but we must look at the fact in a straightforward manner, and when we come to deal with the rest of the Amendments to this Bill, and with the question of how you are to treat the disestablished Church, it would be well to tear the masks from our faces, if we have been imagining that we are proceeding upon different principles from those upon which we really have proceeded. What is the impediment in this case? Can anyone doubt that if an Irish Parliament had to decide this question, they would give the money, or some part of it, either to these particular purposes specified in the 27th clause, or to the religious education of the people of Ireland? Can anyone believe for a moment that if an Irish Parliament, dealing on Irish principles, with a view to Irish interests, had to dispose of this surplus, they would affirm the principle that no part of it was to go to the maintenance of religion in any shape or form whatever? Those who believe that such would be the decision of an Irish Parliament are, perhaps, perfectly right in opposing a proposition of this kind; but I take the liberty of saying that I am of an entirely different opinion; and I think my right hon. Friend the President of the Board of Trade expressed an entirely different opinion. Did he refer to the general opinion of the Roman Catholics of Ireland as an opinion which would be opposed to such a use of these funds, if they were able to make that ficial effects expected from it, while it use of them? He referred to the opinion of those persons in Ireland who would rather go naked to the hills with their disestablished Church than see a single shilling given for the endowment of the Roman Catholic religion. He referred to the opinion of those Orangemen of Ulster, whose address lately received a very courteous answer from the Prime Minister. He referred to the opinion of those in Scotland and in England, who put an absolute veto on that plan, which he himself said was in its principles just, which he himself propounded seventeen years ago, and which, unless my memory deceives me, he has in substance repeated much more recently. Well, then, what is the real impediment? It has received a name, and its true name, from the hon. Member for South-west Lancashire (Mr. Cross). It is Protestant ascendancy, and nothing else. That may be a very good thing and a very right thing in the eyes of some persons; but I am sure my right hon. Friend at the head of the Government is not willingly acting in accordance with its spirit. He told us that Protestant ascendancy was a upas tree which ought to be extirpated from Ireland, as being the cause of all the evils regarding the Church, the land, and education. If that be so, are we really acting on those principles of equality which we profess? Are we truly disposing of this fund as an Irish fund, for Irish purposes, and upon Irish principles? It was Protestant ascendancy—by which I mean the power of Protestantism in Great Britain, as opposed to the Roman Catholic persuasion,—which set up the Established Church in Ireland, which enacted the Penal Laws formerly, and which is now dictating the specific form and character of this Bill. We must not disguise that from ourselves. Of the advocates of the voluntary system I have always spoken with the greatest respect. They would apply to themselves, and to all other Protestants, as well as to the Roman Catholics, the principle that there should be no public endowments, and no Esblished Church. There is nothing inconsistent on their part in endeavouring to apply to Ireland that principle which they would not shrink from applying anywhere else. In England, Scotland, Ireland, Italy—wherever there is a religious Establishment, they would apply that principle impartially. I honour them for it; and I do not pretend to say they cannot justify the application of their principles to Ireland without setting up Protestant ascendancy; but I say that without that majority in these countries, which is to be attributed not to their principle, but to the principle of Protestant ascendancy, the advocates of voluntaryism would not have been able to imprint upon this Bill the character which it now bears. Again, the Roman Catholics of Ireland, adopting a policy which they have often acted on before, are on this occasion shaking hands with Protestant ascendancy in order that success may be secured in a battle against the Irish Church. Those who do not want to see the principles of voluntaryism established in England and Scotland join with the voluntaries to produce this effect. Together, they dictate the form of the Bill. Do you suppose it will not be understood when it is all done why it has been done, and that this will not have some effect upon the ultimate ends which you have in view? Will you really have produced the equality of which you talk, or have created in the minds of the Irish people a sense that full justice has been done to all equitable claims; or, on the other hand, will the sentiments expressed in the strong terms of a pamphlet, which I read this morning, by an Irish Protestant clergyman, ably advocating the doctrine of concurrent endowment, be likely to be felt very widely, not merely among those who are the immediate sufferers by the Bill, but also among those to whom you will have refused even the small boon of houses and glebes? The writer says—

> "Your Government has insisted that both Houses of Parliament shall concentrate their attention on a single Bill, and shall pass it with high-handed haste: a Bill which possesses none of the attributes we hoped for; but is in the last degree anti-Irish, illiberal, and intolerant; which confers no boon on any one class of the Irish people, except the class of absentees, impoverishing and despoiling all the rest; a Bill which builds nothing, enlarges nothing, reforms nothing, improves nothing, and encourages nothing, but only destroys and dissipates the partial good we have, and by confiscating and re-distributing our means leaves it out of your own power, or the power of anyone, to re-construct, except at the expense of still larger confiscations and derangements."

I have always been apprehensive that this Bill would not produce the bene-must necessarily produce great irritation on the class with whom it proposes to deal. The question is, will the merely destructive and negative boon which Her Majesty's Government propose to give to the majority of Irish people have the effect of conciliating them? I think it will not: and, therefore, I shall feel compelled, on this subject, to give my vote for assenting to the Lords' Amendments.

Mr. GATHORNE HARDY: Sir, I do not propose to detain the House for more than a few moments. I entirely differ from the speech of the hon. Member for North Warwickshire (Mr. Newdegate), inasmuch as he appears to me to put an altogether erroneous interpretation upon the Preamble of the Bill. I also differ from the view taken of the matter by the hon. Member for South-west Lancashire (Mr. Cross), because I believe that it is the duty of the State to teach religion, and therefore I have no desire to be a party to restoring the words in the Preamble which have been struck out by the Lords' Amendment. Upon the Amendment proposed upon the Report by the hon. Member for Dublin (Mr. Pim), I should feel at liberty to vote against the clause itself which deals with the question of conferring the glebes, as I expressed my opinion against it when the hon. Member originally brought it forward; nor can I conceive upon what possible grounds the hon. Member for South-west Lancashire has thought it reasonable to replace those words in the Bill, because that hon. Gentleman was against the clause afterwards to be voted upon. By suggesting to the right hon. Gentleman that those words should be restored simply, he has put the House in an entirely false position, because he himself entertains as strongly as myself the belief that it is the duty of the State to teach religion. I hope that on the question of the reservation of the surplus effect may be given to the principle that it is the duty of the State to teach religion. I shall vote against the restoration of the words struck out by the Lords' Amendment.

Mr. NEWDEGATE rose to address the House, but was interrupted by cries of "Spoke!" "Spoke!"

Mr. SPEAKER said, that this being a new Question, the hon. Member for North Warwickshire was perfectly in Order.

Mr. NEWDEGATE said, he wished to explain to the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), and to the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), that he had not the slightest intention of voting against the devotion of the funds to be taken from the Irish Church for the purpose of teaching religion, and in proof of his holding a contrary opinion be begged to move the omission of all the words it was proposed to restore before the word "nor" in the 10th line of the Preamble, which would then run—"the proceeds thereof shall be for the teaching of religion."

Mr. ASSHETON CROSS also explained that the right hon. Member for the University of Oxford was mistaken in supposing that he objected to the funds to be taken from the Irish Church being applied for the teaching of religion.

The Amendment, not being seconded, was not put.

Question put.

The House *divided*:—Ayes 346; Noes 222: Majority 124.

AYES.

Acland, T. D.
Adair, H. E.
Akroyd, E.
Allen, W. S.
Amcotts, Col. W. C.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, E.
Armitstead, G.
Ayrton, A. S.
Aytoun, R. S.
Bagwell, J.
Baines, E.
Baker, R. B. W.
Barclay, A. C.
Barry, A. H. S.
Bass, M. A.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beach, W. W. B.
Beaumont, Capt. F.
Beaumont, H. F.
Beaumont, S. A.
Beaumont, W. B.
Bentall, E. H.
Biddulph, M.
Blake, J. A.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, right hon. H.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, rt. hon. J.
Bright, J. (Manchester)
Brinckman, Capt.
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Bryan, G. L.
Buller, Sir E. M.
Bulwer, rt. hn. Sir H. L
Bury, Viscount
Cadogan, hon. F. W.
Callan, P.
Campbell, H.
Candlish, J.
Cardwell, rt. hon. E.
Carington, hn. Cap. W.
Carnegie, hon. C.
Carter, Mr. Alderman
Cartwright, W. C.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.

Cawley, C. E.
Chambers, M.
Chambers, T.
Childers, rt. hn. H. C. E.
Cholmeley, Capt.
Cholmeley, Sir M.
Clay, J.
Clement, W. J.
Clive, Col. E.
Cogan, rt. hn. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Dalrymple, D.
D'Arcy, M. P.
Davie, Sir H. R. F.
Davies, R.
Delahunty, J.
Denison, E.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Digby, K. T.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, J. G.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Ellice, E.
Enfield, Viscount
Ennis, J. J.
Erskine, Vice-Ad. J. E.
Esmonde, Sir J.
Ewing, H. E. C.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Finnie, W.
FitzGerald, right hon. Lord O. A.
Fitzmaurice, Lord E.
Fitz-Patrick, rt. hn. J. W.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. H. W.
Fletcher, I.
Foljambe, F. J. S.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fothergill, R.
Fowler, W.
French, rt. hon. Col.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Gower, hon. E. F. L.
Gower, Lord R.
Goschen, rt. hon. G. J.
Gourley, E. T.
Graham, W.
Grant, Col. hon. J.
Gray, Sir J.
Gregory, W. H.
Greville, Captain
Grieve, J. J.
Grosvenor, Earl
Grosvenor, Lord R.
Guest, M. J.
Hadfield, G.
Hamilton, E. W. T.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Henderson, J.
Henley, rt. hon. J. W.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Holms, J.
Holt, J. M.
Horsman, right hon. E.
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hughes, W. B.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Hyde, Lord
Illingworth, A.
James, H.
Jardine, R.
Jessel, G.
Johnston, A.
Johnston, W.
Johnstone, Sir H.
Keown, W.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Layard, rt. hon. A. H.
Lambert, N. G.
Lancaster, J.
Lawrence, J. C.
Lawrence, W.
Lea, T.
Leatham, E. A.
Lee, W.
Lefevre, G. J. S.
Lewis, J. D.
Lloyd, Sir T. D.
Loch, G.
Locke, J.
Lorne, Marquess of
Lowe, rt. hon. R.
Lowther, J.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
MacEvoy, E.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
M'Mahon, P.
Maguire, J. F.
Maitland, Sir A. C. R. G.
Magniac, C.
Marling, S. S.
Martin, C. W.
Martin, P. W.
Matheson, A.
Mellor, T. W.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Milton, Viscount
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monk, C. J.
Monsell, rt. hon. W.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
North, F.
Norwood, C. M.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Pell, A.
Philips, R. N.
Platt, J.
Playfair, L.
Plimsoll, S.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Reed, C.
Rebow, J. G.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Russell, A.
Russell, F. W.
Russell, Sir W.
Rylands, P.
St. Aubyn, J.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Scott, Sir W.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Shaw, R.
Shaw, W.
Sheridan, H. B.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, J. B.
Smith, T. E.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Sullivan, rt. hon. E.
Sykes, Colonel W. H.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Tite, Sir W.
Tollemache, hon. F. J.
Tollemache, J.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. H.
Trelawny, Sir J. S.
Trevelyan, G. O.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Vivian, Capt. hn. J. C. W.
Walter, J.
Wedderburn, Sir D.
Weguelin, T. M.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Whatman, J.
Whitbread, S.
White, hon. Capt. C.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Young, A. W.
Young, G.

TELLERS.

Glyn, G. G.
Adam, W. P.

## NOES.

Adderley, rt. hn. C. B.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Archdall, Capt. M.
Arkwright, A. P.
Assheton, R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Baring, T.
Barnett, H.
Barrington, Viscount
Barrow, W. H.
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Bective, Earl of
Bentinck, G. C.
Benyon, R.
Birley, H.
Bonham-Carter, J.
Booth, Sir R. G.
Bourke, hon. R.
Bourne, Colonel
Briscoe, J. I.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Burke, Viscount
Burrell, Sir P.
Butler-Johnstone, H. A.
Cameron, D.
Cartwright, F.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clive, Col. hon. G. W.
Clowes, S. W.
Cole, Col. hon. H. A.
Collins, T.
Corbett, Colonel
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Damer, Capt. Dawson-
Davenport, W. B.
Dawson, R. P.
De Grey, hon. T.
De La Poer, E.
Denison, C. B.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Duncombe, hon. Col.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elliot, G.
Elphinstone, Sir J. D. H.
Ewing, A. O.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Fortescue, hon. D. F.
Fowler, R. N.
Galway, Viscount
Gallwey, Sir W. P.
Garlies, Lord
Gilpin, Colonel
Goldney, G.
Gore, J. R. O.
Graves, S. R.
Gray, Lieut.-Colonel
Gregory, G. B.
Grey, rt. hon. Sir G.
Guest, A. E.
Hambro, C.
Hamilton, Lord C.
Hamilton, I. T.
Hamilton, Lord G.
Hamilton, Marquess of
Hardy, right hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henniker - Major, hon. J. M.
Henry, J. S.
Herbert, right hon. Gen. Sir P.
Hermon, E.
Hervey, Lord A. H. C.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Hood, Captain hon. A. W. A. N.
Hope, A. J. B. B.
Howes, E.
Hunt, rt. hon. G. W.
Hutton, J.
Ingram, H. F. M.
Jackson, R. W.
Jenkinson, Sir G. S.
Kavanagh, A. MacM.
Kekewich, S. T.
Knight, F. W.
Knox, hon. Colonel S.
Laird, J.
Langton, W. H. P. G.
Laslett, W.
Lefroy, A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Col. R. L.
Lopes, H. C.
Lopes, Sir M.
Lowther, W.
Manners, Lord G. J.
Manners, rt. hon. Ld. J.
March, Earl of
Matthews, H.
Maxwell, W. H.
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Montgomery, Sir G. G.
Moore, G. H.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hn. J. R.
Neville-Grenville, R.
Newport, Viscount
Nicholson, W.
North, Colonel
Northcote, right hon. Sir S. H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Parker, Lieut.-Col. W.
Patten, rt. hon. Col. W.
Peek, H. W.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Pim, J.
Powell, W.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Royston, Viscount
Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Scott, Lord H. J. M. D.
Scourfield, J. H.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Stanley, hon. F.
Stanley, Lord
Starkie, J. P. C.
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Tipping, W.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Vance, J.
Verner, E. W.
Verner, W.
Vickers, S.
Walker, Major G. G.
Walpole, rt. hon. S. H.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Whitmore, H.
Williams, C. H.
Winn, R.
Wise, H. C.
Wright, Colonel
Wyndham, hon. P.
Wynn, C. W. W.

TELLERS.

Noel, G. J.
Dyke, W. H.

MR. GLADSTONE: I have now to move the restoration of the remaining words of the Preamble which have been struck out by the Lords. The words are—

> "And it is further expedient that the said property, or the proceeds thereof, should be appropriated mainly to the relief of unavoidable calamity and suffering, yet so as not to cancel or impair the obligations now attached to property under the Acts for the relief of the poor."

Motion made, and Question proposed, "That this House doth disagree with the Lords in the remainder of the said Amendment."—(*Mr. Gladstone.*)

MR. GATHORNE HARDY: With respect to this Amendment, I shall vote in favour of the Lords' Amendment, and on these grounds — that, in the first place, as I stated on the second reading, the plan proposed by the Government is calculated to lead to waste and jobbery.

Having heard the right hon. Gentleman at the head of the Government make a statement as to the disposal of the surplus, I am convinced that he has not made himself acquainted with the facts of the case, and that he really does not know how it is to be disposed of. ["Oh!"] He has given notice of a proviso which, so far from being a final arrangement, will provide materials for discussion in every Session of Parliament. I wish to know in what way his proposal differs from leaving to a future Parliament the disposal of the surplus. The right hon. Gentleman says that a scheme is to be prepared by an Order in Council, which amounts to a Government scheme, and which would be laid before the House. He must expect that all sorts of schemes will be suggested, and that a number of them will have to be considered by the Government. What is the state of the case, as the right hon. Gentleman puts it, with respect to lunatics? There is no new provision that is not now provided for by the laws of the country. With respect to hospitals, there is no difference between England and Ireland, and there is no more reason why there should be a public provision on this subject in Ireland than in England. When he tells us that there are special needs in Ireland, I tell him that if there are special needs in Ireland there are special medical charities in that country, and that there is more medical provision for the destitute than in England. In every county and in every district there is a medical provision applicable to every destitute person, while in England no such provision exists. With regard to the blind and dumb, no one would sympathize more with those unfortunate persons than myself; but in England the blind and dumb have provision made for them by funds of a private character, by means of which they are instructed in trades, and put in a position to earn their own living. I do not see why, except in the case of very destitute persons, we should take a different course in Ireland by providing public funds for this purpose. The right hon. Gentleman the President of the Board of Trade has said that there would be objections to every scheme, and when the Orders in Council are laid before Parliament there will be objections to each, and we shall have all these discussions, which it is said to be the intention of the Bill to avoid. But then, it is said, this alteration was made by the House of Lords in order to obtain concurrent endowment. That, however, is a perfect fiction, and the right hon. Gentleman has not, I think, represented exactly what happened. A noble Duke (the Duke of Cleveland) moved a clause giving glebes to the Roman Catholic priests and the Presbyterian clergy, and that was objected to and negatived. The Motion on this subject, which was subsequently carried, was put down for discussion when the Bill stood for a third reading, and when the Preamble was complete. It was a noble Lord (the Earl of Carnarvon) who was opposed to concurrent endowment, and who spoke against it, who moved this Amendment, and it was moved without reference to concurrent endowment, and solely because it was not a proper distribution of the funds. ["Oh!"] I am only stating facts, and the hon. Gentleman who disputes would be unable to contradict any of the statements I have made. On these grounds, therefore, that no finality is obtained by restoring these words to the Preamble' or by the clause which follows in the Bill, and because the system proposed by the Government would inevitably lead to endless discussions in future Parliaments, I shall support the Lords' Amendment.

Mr. GLADSTONE: I am sorry to renew the debate, but I thought the right hon. Gentleman recollected more distinctly—

Mr. GATHORNE HARDY: I rise to Order. The right hon. Gentleman, having spoken once, cannot speak again, unless upon some question of personal explanation. The right hon. Gentleman moved to disagree with the Lords in their Amendment, and that was his speech on the occasion. I submit that, having made a speech, he cannot speak again, unless an Amendment is moved to his proposition.

Mr. SPEAKER: I beg to say that that question has been decided in the case of the hon. Member for North Warwickshire (Mr. Newdegate), who, having made a speech on the first occasion, proposed to speak after the original Motion had been withdrawn, and the first portion of it had been proposed again. That was a new proposition, and I decided that he could be heard.

Mr. GATHORNE HARDY: But there is no new proposition here.

MR. SPEAKER: The original Motion was that the House disagree to the Lords' Amendment, and I was obliged to put it to the House, whether it was their pleasure that the Amendment be withdrawn. It was withdrawn, and then it was moved again down to the words "teaching of religion." And upon that, as being a new Motion, I stated that the hon. Member for North Warwickshire had power to speak.

MR. GATHORNE HARDY: And then, afterwards, the right hon. Gentleman moved that the House disagree with the Lords upon the subsequent part of the Amendment. I do not wish to stop the right hon. Gentleman from explaining anything; but with a view to the regularity of our debates, I wish the point of Order to be decided. The right hon. Gentleman will have plenty of opportunities of speaking in the course of the debate; but, having made his Motion, he has no right to speak, unless an Amendment is moved.

MR. SPEAKER: I think the right hon. Gentleman, having made that Motion, did deprive himself of the power of speaking upon it.

MR. CHICHESTER FORTESCUE: I wish to say one word in order to correct the entire misapprehension which ran through the remarks of the right hon. Gentleman (Mr. G. Hardy) as to the Orders in Council. He is mistaken in supposing that the Orders in Council can possibly give rise to debate, as to the distribution of the surplus, beyond the provisions of this Act, when it shall become law. They will only regulate the mode in which the provisions of the Act shall be carried into effect. Highly important questions will arise, as to the mode of providing for the objects specified in the Act by subsidiary legislation. That legislation will have to be effected; but, in default of that legislation, the House, by these Orders in Council, will have full control over the whole of these subsidiary arrangements.

MR. FAWCETT, who rose amid cries of "Divide," said, he did not think it would very much conduce to the dignity of the House, or indeed to a settlement of that question, if, immediately a Liberal Member rose to object to one portion of that scheme, he were not allowed to speak. He thought he had some right to speak on that question. He was the only Member on that side of the House who ventured to object to the scheme of appropriation when it was originally introduced, and the Prime Minister had, with great candour, admitted it was a great misfortune that scheme was not more fully discussed in that House, because if it had it would have been better understood. He was quite certain that if they wished to get that question settled they must do the House of Lords the common respect of discussing its Amendments. That was simply a duty they owed to their opponents. In voting against the proposal of the Government in regard to the appropriation of that surplus, no one who knew his opinions could say that he did so because he was in favour of concurrent endowment, for from his youth he had always been strongly opposed to such a principle. But the question of appropriating the surplus had nothing whatever to do with concurrent endowment. He still objected to the appropriation scheme of the Government, as he had objected to it before; and if it could be shown that his arguments were fallacious he was willing to change his vote. He objected to that scheme because it gave the largest portion of the surplus, not to the relief of the poor or to the relief of unavoidable distress, but directly in aid of the rates which were paid by the land. He regarded every independent Member of that House, however humble his position, as a trustee for the administration of those funds. No responsibility, in his view, was more sacred than that of such a trustee; and nothing in the world would induce him to give a vote which was not in accordance with his sense of public duty. It had been argued that the surplus was to be appropriated to purposes that were not met by the rates; but that was not correct. No one could deny—and, indeed, the Prime Minister in introducing the Bill admitted—that a large portion of the surplus would go in aid of the county cess. Therefore, a large portion of it would go directly into the pockets of the landlords. When, in addition to that, they gave gratuitously to the Irish landlords £8,600,000—and it had been admitted over and over again in the House of Lords—he ventured to make this assertion, and he challenged contradiction, that ultimately the persons who would get the largest portion of the revenues of the Irish Church would not be the disestablished

Protestants, nor the Roman Catholics, nor the poor, the afflicted, and distressed in Ireland, but the absentee landlords of that country. ["No, no!"] He hoped that would be contradicted; but, believing it to be the fact, he would certainly vote with the Lords for postponing the appropriation of the surplus. He knew it was said that if they did not decide on its appropriation at once they would keep the question constantly open; but it seemed to him that the scheme contained in the proviso which had been mentioned by the right hon. Gentleman at the head of the Government was especially framed with the view of keeping the question open. Every Irishman who represented a seaport where there were nets to be mended or boats to be repaired, and every Irishman who represented a county in which there was a bog to be drained or a river to be dammed, would come clamorously to that House, and ask not for a grant—he was quite aware of that—but for a loan of the capital of those revenues of the Irish Church. The Prime Minister had argued that whatever might be the objections to which the proposed method of appropriation was liable no better scheme had been devised in its stead. Well, but what opportunity had there been of discussing any other scheme? Some Liberal Members of that House were, to his own knowledge, prepared with different schemes; but there had been no chance when the Bill was in Committee, of obtaining even a discussion for them. The application of the surplus to the purposes of Irish education, or to the purchase of waste lands, would have found more than one advocate, if there had been any disposition on the part of the House or of the Government to accept independent suggestions from the Liberal Benches. If the appropriation were now postponed for a year, suggestions of that description would have time to make themselves heard; and if they were found impracticable the scheme of the Government—for the benefit of the Irish landlords could always be resorted to. He would be the last man to object to applying the surplus in aid of suffering and distress which were not chargeable on the rates; but even if he were the only Liberal who voted against the appropriation scheme which was now proposed, he would unhesitatingly vote against it.

Mr. BLAKE said, he wished to point out a discrepancy between the statement made by the Prime Minister early in the evening and that just made by the Chief Secretary for Ireland. He understood the Prime Minister to say that he proposed to introduce a proviso to enable the surplus to be applied to other objects than those included in Clause 68. One of those objects, in which he was exceedingly interested, was the sea fisheries of Ireland. Irishmen had learnt by this time that nothing was to be hoped for from the Chancellor of the Exchequer. However important the object might be, however consistent with the rules of the soundest political economy, the Imperial Exchequer was absolutely closed to them. It would be satisfactory if part of that surplus, which was Irish money, were devoted to such an object as he had just mentioned. But the Chief Secretary had just stated that these funds could not be appropriated in any such manner without a special Act of Parliament having to be brought in for the purpose, which would involve the necessity of their fighting the battle over again in that House. He hoped that the Prime Minister's proviso would obviate any such necessity.

Mr. GLADSTONE: Although it is contrary to ordinary rule, I dare say I shall be allowed to explain what I stated. What I stated, and wished to convey, was this—that the principles of final appropriation were laid down in the Bill, and were intended by us to be fixed and final, so as to get rid of any doubt at all about it. But I pointed out that that applied simply to the income from the fund, and that, therefore, it would be fatal to any plan like that of my hon. Friend the Member for Brighton (Mr. Fawcett), who proposes, as I understand him, to apply this fund, not in alleviation of Irish rates, but of British taxes, by giving it to defray the expense of education—[Mr. Fawcett dissented]—but that it was perfectly compatible with any plan which Parliament might think fit to adopt in regard to the intermediate use of the money. Any mode of investing the money—its investment in loans that would be reproductive—for fisheries, or in any other form, would be perfectly compatible with the Bill. But the proviso of which I gave notice will have no reference whatever to any new definition of objects, and will be simply intended to secure this end, that in the subsidiary arrangements which may be attempted by Order in Council it shall be in the power of either House of Parliament, if it sees fit, to interfere and arrest the action of the Executive Government.

Question put.

The House *divided*:—Ayes 246; Noes 164: Majority 82.

MR. GLADSTONE rose to move the re-insertion of the date originally fixed on for the disestablishment of the Church —namely, the 1st of January, 1871. On the introduction of the Bill he stated that this was not a question upon which the Government felt pledged, and he repeated this now, but believing it was in the interest of the public that the act of disestablishment should come as soon as possible after the passing of the Act, the Government fixed on the 1st of January, and waited for expressions of opinion from those best informed to see whether that date met with the approval of those connected with the Church itself. The four months which had since elapsed convinced him that the great proportion of intelligent persons connected with the Church preferred the earlier to the later day. He did not like to allude to what took place in the other House, or else he should sustain what he had to say by what took place there. The only ground on which the 1st of May could be preferred was that the 1st of May and the 1st of November are the periods on which the half-year's tithe commutation rent-charge is payable, and that if the 1st of January stood two months of the charge would belong to the clergyman and four months to the Commissioners. Now, some trouble would be given to the Commissioners by this arrangement, but none to the clergyman. The Commissioners would be the collectors instead of the clergyman, and instead of the clergy having to collect this fragment of their income, they would receive it in one sum from the Commissioners. The 1st of January was preferable to the 1st of May on three grounds—that the clergy would be put to no inconvenience by the earlier date being fixed on; that so far as the state of opinion in the Irish Church goes, the Government were convinced that people generally preferred the earlier date; and that it was greatly to the interests of all parties concerned that the matter should be brought to a close at the earliest practicable period. He therefore moved that the House disagree with the Lords in the said Amendment.

MR. DISRAELI: This is a subject on which, in spite of what the right hon. Gentleman has said, there is much difference of opinion amongst the persons best informed upon it. The date as it now stands in the Bill is really a compromise, and might well have been allowed to stand; but I shall not call upon the House to divide in opposition to the Motion of the right hon. Gentleman.

MR. CHARLEY said, it would have been a "gracious and generous" thing on the part of the right hon. Gentleman at the head of the Government to have conceded this small point; but the right hon. Gentleman held over the Irish Church the axe of his tyrant majority ready to descend, and would not allow her time to settle her affairs. The right hon. Gentleman gave her short shrift indeed. He (Mr. Charley) wished that the Lords had adhered to the date first adopted by them—the 1st of January, 1872, and that that date had been adopted universally throughout the Bill. By this clause the Church was not to be disestablished till 1871; but, by the 10th clause, the date of disestablishment was practically accelerated and fixed for certain purposes at the passing of the Bill. If the 1st of January, 1872, had been fixed for all purposes as the date of disestablishment, the falling in of vested interests prior to total disestablishment would have been avoided, and there would have been no need of any "temporary provisions." He regretted that the House of Lords had undone the work they had originally done in changing the date a second time, as well as in rescinding their Motion for retaining the right of the existing Irish Bishops to seats in the House of Lords. In expelling these Prelates the Lords had assisted the right hon. Gentleman the President of the Board of Trade to dig the grave of their own order. Practically, the Constitution was at an end. The Prime Minister gathered up in his own person, like Augustus, all the powers of the State. The balance of power, of which they had heard so much, no longer existed. "Her Most Gracious Majesty" meant the right hon. Gentleman; the House of Lords his most obedient humble servants. The Lords were told that they had no alternative but to submit to the policy of the right hon. Gentleman. Talk of Americanizing the institutions of the country! [" Question!"]

Mr. SPEAKER: I have to invite the attention of the hon. Gentleman to the Question immediately before the House, which relates to the day upon which the Bill shall come into operation.

Mr. CHARLEY trusted the right hon. Gentleman would kindly concede to the Church an extension of four months in the interval preceding disestablishment.

Motion *agreed to.*

Mr. GLADSTONE: There are a variety of changes which the Lords have made in the clauses relating to the Commissioners and their powers, and other kindred matters, with respect to which some of them seem to us to be improvements, and others of them are not open to such objections as to make it our duty to resist them; and therefore I shall move to agree to all the Amendments—except in the case of the substitution of the 1st of May for the 1st of January—until we come down to Clause 13.

Motion *agreed to.*

Clause 14 (Compensation to ecclesiastical persons other than curates).

Mr. GLADSTONE said, he proposed to agree to the Amendment of the Lords, striking out lines 21, 22, and 23; and in line 24, from the words "salaries of curates employed under the obligation of the law," he proposed to amend the Lords' Amendment by striking out the words "employed under the obligation of the law." The clause raised, he said, the whole question of conferring endowments—and it involved two points. As the Bill went to the Lords, the salaries of curates, whom the Commissioners should judge to be permanent curates, were made deductions from the income of the incumbent. In estimating the income of the incumbent for valuation, a tax payable by him under the Temporalities Act of 1833, to the Ecclesiastical Commissioners, was not to be deducted. The Lords had made changes upon both these points. Upon the first point the Lords had limited the deduction of the curate's salary from the incumbent's income, in cases in which the incumbent was under an absolute legal obligation to employ him. He would not say that there were any such cases in Ireland; he presumed that there were; but probably they were numbered by one or two tens or scores. Practically, the Amendment got rid of the whole charge on incumbents' incomes for curates; it took away £519,000 from the surplus, and it added £519,000 to the compensation available for the ministers of the Church. That was one of the Amendments that had been made. The other Amendment was, that the tax on clerical incomes now payable to the Ecclesiastical Commissioners, and available for certain public purposes of the Church, was not to be deducted from the income of the incumbents—that was to say, it was not to be a portion of the surplus; and this tax, although it was not to become a portion of the surplus, yet, by the clause as it stood, it was not to be a part of the profit of the incumbent; it was to be paid by the incumbent to the Church Body—upon what principle, except that of pure, naked, and confessed re-endowment, he found it totally impossible to conceive. There was no doubt of this imaginary explanation — that a large part of the proceeds of the tax went to provide the necessaries of public worship — and it might be said that the necessaries of public worship would, hereafter, not be provided by the State. Most certainly not. The necessaries of public worship ought evidently to be provided by the congregations. A fatal mistake would be made by those responsible for the policy of the disestablished Church, were they to import into their new system the very worst of all the bad regulations under the system of Establishment — namely, that which left the surplice, the cowl, the elements for Holy Communion, and all these requisites to be supplied from a central fund in London. The Bill, as it stood, directly perpetuated that system, because it made the money available for providing these exigencies payable to the Church Body, which was an indication that it was to go in relief of the congregations from the first and most necessary charges which the congregations ought to bear. The effect of that upon the surplus was to take away £274,000, throwing in a small sum, which it was not worth while to discuss, with respect to visitation fees, which were now legal, charged on the incumbent. These were the objections he entertained to the deduction of the tax; and he objected to the sweeping away of the provisions under which the curate's salary was deducted from the incumbent's income. This was a question of which the Government had never disguised from themselves the difficulty; and he might state to hon. Gentlemen opposite, and to the House, that they should proceed in this case, as they had proceeded in every doubtful case, by adopting the most lenient course that their duty would allow. What they proposed, with regard to the curates, was—and the House would see that it involved a material concession, though nothing like the concession that was demanded from them by the Lords, who would take from the fund the sum of £519,000—they proposed that the salary of the curates should be deducted from the incumbents in those cases, and in those cases alone, where the deduction had been made heretofore, and the remedial measure they proposed was to introduce a proviso at the end of this clause, to the effect that no deductions should be made in respect of curates' salaries, unless a like reduction should have been made in the case of incumbents by the Ecclesiastical Commissioners within the year preceding the 1st of January, 1869. They thought they offered fair and liberal terms when they said that the curates' salaries should be only deducted in those cases where, for legal purposes, they had been deducted already. They were aware that, in taking that course, a charge of £150,000 might be brought upon the fund—it might be more—but he hoped the House would consider it as an indication of their willingness to go as far as they could in concession to all reasonable demands. But this demand they could not concede — that they were to compensate for ecclesiastical services twice over—first the rector, and then the curate. When they came to the end of the clause, he should move the provision to which he had referred. At present, he should only move to strike out the words "employed under the obligation of the law."

Dr. BALL said, he did not intend to divide upon this Amendment, and he hoped this would induce the right hon. Gentleman at the head of the Government to make some concession with regard to other points. The Amendment which provided that the tax heretofore paid by incumbents for the repair of the churches should be commuted into a capital sum, and handed over to the representative body was originally proposed in the House of Lords by a right rev. Prelate (the Bishop of Peterborough), on the ground that the tax was applied by the Ecclesiastical Commissioners for a particular object, and now that that object was no longer to exist the tax ought to revert to the Church. It therefore appeared to him that it was not exactly, as the right hon. Gentleman stated, a new endowment. It was only to be given during the lives of the present incumbents. With regard to another point relating to deduction for curates, he was not sure that he understood the effect of it. Unless it exempted incumbents whose livings were under £300 a year, it would be no great concession.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) intimated that it would exempt them.

Mr. CHARLEY regretted that the right hon. and learned Gentleman (Dr. Ball) did not intend to divide the House on this Amendment. A portion of the tax was applied by the Ecclesiastical Commissioners in payment of the expenses of maintaining the fabrics of churches. Fifteen hundred churches were to be handed over to the Church Body, but no promise was made for maintaining the fabrics. He thought the Amendment would assist the Church to pass over the difficulties of her transition state.

Mr. WALPOLE wished clearly to understand that the effect of the Government proviso would exempt from the deduction incumbents whose incomes were under £300 a year.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, there was no doubt that would be so. The proviso would settle that no deductions should be made for curates' salaries unless where a like deduction had been made by the Ecclesiastical Commissioners within the year 1869. Now under the Ecclesiastical Commissioners' Act no deductions could be made from incumbents whose salaries were under £300 a year.

Motion *agreed to.*

Mr. CHICHESTER FORTESCUE moved that the House disagree with the Lords' Amendment, omitting Clause 8.

Motion *agreed to.*

Clause A (Payment of persons discharging duties of disabled Archbishops, &c.).

Mr. GLADSTONE moved the omission of the clause, which he did not consider suitable to the Bill. There was no harm in it; but the matter to which it was referred was a matter for Church regulation, in which the Commissioners ought not to interfere. It referred to the case of holders of incumbencies becoming disabled, and provided that the Commissioners should be chargeable with the payment of a portion of the annuity of the holder to the person discharging the duties as long as he discharged them; but that did not appear to be a matter in which they should make a new ecclesiastical law in reference to the concerns of the disestablished Church. It would take them off their proper ground; and he hoped there would be a general disposition to think they should remit this matter to the Church Body to deal with it, and not introduce it into the Bill.

Motion *agreed to.*

The next Amendment, in Clause 15, line 19, to leave out from the word "shall," to the word "curacy," in line 31, and insert the words—

"Inquire whether any curate, serving as such at any time between the first day of January one thousand eight hundred and sixty-nine and first day of May one thousand eight hundred and seventy-one, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity, or other incapacity of the incumbent, or his habit of employing a curate. The commissioners shall ascertain and declare by order the amount of yearly income received by any such permanent curate, and shall pay to every such curate so long as he lives and continues to discharge the duties of his said curacy, or any other spiritual duties in Ireland, which with his own consent and with the consent of the church body hereinafter mentioned may be substituted for them, or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default, an annuity commencing on the first day of May one thousand eight hundred and seventy-one equal to the amount of such yearly income, or shall on the application of such curate, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of May one thousand eight hundred and seventy-two, and, with the consent of the church body hereinafter mentioned, cause the present value of such life annuity to be estimated, and pay the same to such curate or to such curate and church body in such proportions as they shall agree,"

—read a second time.

Mr. GLADSTONE said, that he would agree substantially to this Amendment, by which three instead of two classes of curates would be created. He, however, must move to substitute the word "January" for "May" in line 24, and to omit the following words coming in line 35—

"Or if not discharging such duties shall be disabled from doing so by age, sickness, or permanent infirmity, or any cause other than his own wilful default."

If the curates became incapacitated from age, sickness, or permanent infirmity, he was afraid under the system of the Established Church there was no possibility of preserving to him his stipend, and it was not the purpose of the Act to make better provision for him than the law now allowed.

Amendment proposed to be made thereunto, by leaving out the words—

"Or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default."—(*Mr. Gladstone.*)

Lord JOHN MANNERS said, he hoped the right hon. Gentleman would not persevere in his Motion. The charge would be an inconsiderable one as far as the surplus was concerned, but would be of the utmost importance to the very limited class who would be affected by it.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that the objection of the right hon. Gentleman was a substantial one, as it proposed to make State pensioners of those curates who were unable to perform their duties.

Dr. BALL said, the House was passing a measure which would take away from the curates their profession, their hopes of promotion, and all the advantages open to them by reason of their belonging to an Establishment. The concession contained in the Lords' Amendment, extending the payment of an annuity to a curate when unable to discharge his duties, was, after all, but a very slight one. The Government had already made a concession for the benefit of incumbents; but the Amendment now under consideration was the only one which would give any tangible benefit to the curates. He, therefore, hoped the Government would re-consider the matter.

The ATTORNEY GENERAL said, the Government could not put the curates in a better position than they occupied at the present time. They could not give curates an annuity for life, independently of their duties.

MR. PIM regretted the refusal of the right hon. Gentleman at the head of the Government to grant this small concession. As several matters of principle had been given up, he could not understand why so trifling a concession should not be made. The amount was very small, and the curates would be greatly disappointed if the concession was not made, especially after the expectations which had been held out to them.

MR. GATHORNE HARDY said, that if the curates commuted they would get the annuity, and only those who did not commute would be affected. This made the matter a very small one indeed, and he trusted the right hon. Gentleman would give way.

COLONEL WILSON-PATTEN said, the curates would be more damaged than any other class of persons affected by the Bill, and he hoped the Government would not refuse to grant this small concession, which would be much appreciated.

MR. LEFROY said, there was no body of men who were more deserving than the curates of Ireland, and they would be exceedingly disappointed if a concession were not made to them in so small a matter as this.

MR. WALPOLE said, he hoped the Government would re-consider the point. He agreed with the Attorney General and the Prime Minister that there was a difficulty in regard to principle in compensating a curate by continuing his life annuity when he was no longer able to discharge his duties, but the end of the clause contemplated that which he understood the right hon. Gentleman to indicate last year—namely, that the expectations of the clergy, and of the curates especially, should be taken into consideration. Those curates who commuted before 1872 were to be paid a capital sum. In his opinion, the clause as it originally stood was oppressive.

Question put, "That the words proposed to be left out stand part of the said Amendment."

The House *divided*:—Ayes 181; Noes 277: Majority 96.

MR. GLADSTONE *moved* in line 4, page 9, to insert—

"Provided that where the salary of the curate has been deducted under section 14 from the income of any incumbent, such curate shall be deemed to be a permanent curate within the meaning of this section, and no commutation of his salary, and no change in his duties, for the purpose of this Act, shall be made without the consent of the incumbent from whose income the salary of such curate has been deducted."

Amendment *agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) moved to disagree with the Lords' Amendment referring to the compensation to be given to persons filling certain cathedral offices, "held during good behaviour." He proposed that those words should be struck out, and the words "a freehold office of a similar character connected with it" should be substituted. This matter was a good deal discussed when the Bill was before the House. The Government then would not undertake to define what were and what were not freehold offices in cathedrals, but agreed that where it could be proved to the satisfaction of the Commissioners that the office was a freehold the holder should receive compensation for his life, but in other cases he should receive such compensation as the Commissioners thought proper. There was a manifest distinction between the two cases. When a man held a freehold office he acquired a vested interest in the income for his life; but if the office was not a freehold the holder could not fairly be compensated on the same principle. The words put in by the House of Lords were ambiguous, and under them the pew-opener and the organ-blower would receive full compensation.

*Moved*, to amend the Amendment made by the Lords, by striking out the words "held during good behaviour," and to insert the words "a freehold office of a similar character connected with it," instead thereof.

MR. BENTINCK said, this question referred to certain cathedral officers—organists, lay clerks, and others—who had been appointed to offices equivalent to freeholds. There were very few of such offices, but the holders had entered into a distinct contract with the Dean and Chapter that they should enjoy these offices for life, during good behaviour. He admitted that the words introduced in the other House had rather too wide a scope; but the Amendment was never objected to in the other House, the Government there surrendering at discretion without a division. There were instances of persons who had given up freehold offices in English cathedrals in order to take such offices in Irish cathedrals, in the belief that those offices were precisely similar to freeholds; and the claims of those persons would not be satisfied by telling them that they should receive full compensation if they could show that they held a freehold office.

Dr. BALL said, he did not see the advantage of retaining the present words over those proposed by the Attorney General for Ireland. He thought holding during good behaviour was in itself a freehold office.

Mr. VANCE said, he feared the words proposed by the Attorney General for Ireland would hardly meet the case, and suggested that they should be somewhat enlarged, instancing the case of certain choristers in the cathedral of Armagh, who were not vicars choral, but were dependent on estates held by the vicars choral in trust exclusively for their benefit. They only held offices equal to freeholds, and the organists were in exactly the same position. Great hardship would be inflicted if they were not put in the position of being able to obtain some compensation. He proposed to insert the words, "or office equivalent to freehold."

Mr. KIRK said, that the choristers referred to by the hon. Member were engaged by the year, and he could not understand what claim they had to say that their offices were freehold.

Mr. GLADSTONE said, there was a misunderstanding on this point. The persons named in the clause were to receive their salary for life, and another clause provided for those who had less than a freehold in their office, and empowered the Commissioners to give them, with the consent of the Treasury, such sums as they might determine. He did not think it possible to make a more liberal provision.

Mr. BENTINCK again urged the claims of those whose offices were not freehold. He was in a position to say that the statement of the hon. Member (Mr. Kirk) was incorrect, and that the choristers at Armagh were not engaged by the year, but held their office during good behaviour, and could not be dismissed at the caprice of the Dean and Chapter. The salary attached to the office of clerk and sexton was very small —namely, £5, or £10, or £20 a year, and the income of the holder was made up out of a fund called the economic fund, which would be confiscated by the present Bill, and unless some other provision than that contained in the Bill were adopted great injustice would be done.

Mr. VANCE withdrew his Amendment.

Amendment to Amendment made by the Lords *agreed to.*

Clauses 18 and 19 read the second time, amended, and *agreed to.*

Clause 20 (Existing law to subsist by contract).

Mr. GLADSTONE stated that the Lords had remodelled the language of the clause. He did not know that there would be any particular advantage gained by the alterations, but as he did not think there would be any serious disadvantage attending them, he proposed to agree to the Lords' Amendments, except as to the proviso for the protection of annuitants against changes of the Liturgy. The alterations he proposed would bring back the proviso very much to the form in which it was moved by his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), except that the six months' notice which had been given to annuitants to make up their minds would be reduced to one month. There was another limitation in the clause—that new regulations should not be so binding as to deprive annuitants of their annuity. He moved that the House agree to the Lords' Amendments in this clause with the exceptions he had pointed out.

Sir ROUNDELL PALMER said, he entirely agreed with the Motion of his right hon. Friend. It seemed to him that it gave effect to the substance of the proposal he submitted to the House, and with an improvement as to limitation of time. It appeared to him that the Amendment of the Lords went beyond the protection of individuals, and might have tended to interfere with the future freedom of action of the religious body.

Dr. BALL also expressed his approbation of the terms in which it was proposed the proviso should run.

Mr. NEWDEGATE said, he thought the term of one month too short; but he had such confidence in the judgment of his hon. and learned Friend (Sir Roundell Palmer) that he should not oppose the proviso.

Lords' Amendments, with Amendments, *agreed to.*

Clause 23 (Redemption of annuities and life interest of ecclesiastical persons).

Amendment read a second time.

Mr. GLADSTONE: This is a clause of very great importance, and I desire to call the attention of the whole House to its provisions. This is the commutation clause, and the original clause has been struck out, with the exception of certain words at the commencement, and a new clause has been put in, which gives the power of commutation exclusively into the hands of the representative Church Body. It imposes certain conditions upon the commutation, and provides that when it takes effect it shall be done by paying fourteen times the annual value of the whole amount of the annuity. This is a clause which, in the first place, the Government has concluded it is impossible for us to admit. But I go much further, and I say that the practical objections to it are such as must convince hon. Gentlemen opposite that it will be impossible for them to press it. They will be, of course, the judges of that; but I think the objections I shall state will convince and satisfy them that, although they may set to work to re-cast the clause, it will be quite impossible, as it now stands, to insert it in the Bill. In the first place, it gives to the representatives of the Church Body £1,220,000 over and above the value of the annuities, which we had commuted at a fair computation—that is, beyond the full value of the ordinary lives, at the age at which the lives of the clergy are known to stand. This obliges me to call the attention of the House to the enormous changes which have taken place in the provisions of the Bill since it left us with regard to disendowment. I will not enter into any debate with the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) upon the inquiry whether these changes are, as he thinks, changes of degree, or whether they are, as I think, such as to involve a principle. But I must state in figures the condition of the account now that the Bill has come back to us from the Lords. With regard to the property that is left either to the disendowed Church, or else to the ministers and members of that Church, and on condition of the performance of certain duties, available for all the purposes of that Church, I stated to the House, on the introduction of the Bill, that we estimated the total value of the ecclesiastical property of Ireland at £16,000,000, independently of the churches and glebe houses. But of this £16,000,000 a sum approaching £4,000,000 was created entirely by the liberal use of the public credit. The public credit was to be made use of in respect of nearly the whole property of the Church, and the effect was to realize for the tithe commutation between £2,000,000 and £3,000,000 more than could have been got for it in the open market, and further to realize an additional large sum for Church lands by the arrangements which the use of the public credit enabled us to make for their sale. So that, in fact, nearly £4,000,000 out of the £16,000,000 was the product of the use of the public credit, and did not in any sense belong to the market value of the Church property of Ireland. But, then, in addition to this £12,000,000, there are the churches and glebe lands. The churches are hardly the subject of possible sale—the glebe houses not, in all cases, of convenient sale. But, speaking of them as representing value, it would be impossible to attach to them a value of less than £3,000,000, even after allowing for the very large payments to be made for the glebe houses. That would make the whole property of the Irish Church—without any addition for the use of the public credit—to stand at £15,000,000, and that was the sum at which I ventured to estimate it in the discussions of last year. Now, how was the disposal of that sum settled when the Bill left this House? Out of that sum there was given, or, if you like, left to the Church—excluding churches and glebe houses, an estimated value of £3,000,000—under the various heads of life interest and private endowments, property equal in value to £7,000,000. So that really £10,000,000 out of the £15,000,000 remained either with the Church itself, or with the ministers and members of it, on condition of duty and service to be performed in connection with the Church. How does the Bill stand on returning to us? We have made the most careful valuation in our power of the primary effect of the Amendments of the House of Lords, and I will now give the list. The Amendment relative to the tax on annuities deducted from the surplus, £274,000; the Amendment relative to curates, £519,000; the private endowments, £213,000; the Ulster glebes—I am speaking throughout of present values, after deducting life interests — £422,000; the glebe houses, £153,000; the fourteen years' commutation, £1,222,000; and the Church's share of the concurrent endowment is £1,100,000; in the whole, £3,903,000, or, in round numbers, £4,000,000 to be added to the £10,000,000 of which the Church, in one shape or other, had the benefit by the Bill as it left this House. So that as it comes back to us the Church has £14,000,000 out of the £15,000,000, and in its disendowed state it retains fourteen-fifteenths of the property which it had when it was endowed. Now, as regards disestablishment it is only fair to state that the tale is very different. The disestablishment of the Church is complete. The words, "Royal supremacy," "Church and State," "Protestant ascendancy" as connected with the Church, "National religion," are now, by the judgment of the House of Lords, not less than the House of Commons, nothing but the notes and traces of a buried controversy. Even the last shadow of Establishment, if it were one—the existence of Irish Bishops with seats in the House of Lords—has disappeared. And I cannot notice that disappearance, now finally settled by the vote of the House of Lords itself, without stating that which to me and to us has been an exceedingly painful, though necessary, result of the logic and reason of the case. It is exceedingly painful upon a man like Archbishop Trench, and other distinguished and excellent persons, that anything, be it great or small, in the nature of personal disparagement should be imported into this controversy. I hope his personal epitaph will not be written for many years, but his political epitaph was written 2,000 years ago by Virgil in describing the fate of the high priest at the sack of Troy—

> "Nec te tua plurima, Pantheu,
> Labentem pietas, nec Apollinis infula texit."

He is the victim to the necessities of the measure. Well, Sir, the disestablishment of the Irish Church is, undoubtedly, complete.

I have pointed out as briefly as I could the state of the case, and the figures I have quoted cannot be materially impeached. In addition to the large possessions to which the Church was entitled under our Bill, nearly £4,000,000 is now bestowed; the result actually being to render the Bill, as one of disendowment—I will not use stronger words — wholly unreal and fallacious. This clause gives £1,222,000 to the Church. We are not prepared to assent to such a gift. There are many other objections. The first of them is the unfortunate, and, I must say, the offensive element of inequality, which the clause introduces into the Bill. I will only observe upon the comparison to be made between the Episcopalians and the Presbyterians of Ireland. In the case of the Episcopalians, the older men are in possession of by much the larger incomes, and the consequence is that the average of life, estimated as to income, is low, while of the clerical annuities converted for commutation, it will only give the average number of years purchase of eleven three-fifths. Now the Lords, by their Amendment, have introduced a change which raises the eleven three-fifths to fourteen, and that is an addition I think, of rather more than 21 per cent. But, how have they dealt with the Presbyterians? Has 21 per cent being added in like manner to the annuities or commutations which they are to receive, not upon splendid or even sufficient incomes, but upon paltry pittances of £70 per annum? Their income, upon which they are compensated, is absolutely uniform. Their average age is very young —for young men of twenty-two, twenty-three, or twenty-four years old, come, in the majority of cases, into the possession of a church. The value of their annuities, estimated ever so strictly, instead of being eleven three-fifths, is fifteen years. [An Hon. MEMBER: Why not give it to them?] Why not give it to them? We are going to give them the fifteen years' value to which they are strictly entitled, but the House of Lords, while adding 21 per cent to the value of the commutations of the Bishops and clergy of the Episcopalian Church, have left the Presbyterians without any addition at all to their commutations. It is impossible for us to agree to any such inequality as that. The scheme of compensation must be so adjusted as to deal with Presbyterian and Episcopalian alike where they fall under the same circumstances. I am bound to say that, having given this great sum to the Church Body, the clause next proceeds to waste a great deal of it; for the clause imposes on the Church Body most laborious, slow, and costly investigations, which, in my opinion, are totally unnecessary to be imposed upon it, but wasting a great amount of its money. It does more; it gives to every clerical and lay annuitant in Ireland, who can be the subject of commutation, the right to require that before commutation is received in respect to his annuity, a Government annuity in the funds, if he chooses to claim it, shall be purchased by the representative body for him. That is to say, we reckon a commutation of 3¾ per cent, and pay it to the Church Body, and then leave it to the annuitant if he likes to compel the Church Body, in order to give him the best security—and, therefore, he is very likely to require it—to purchase for him a Government annuity which can only pay £3 3*s.* 6*d.* per cent a year or thereabouts. This is giving with one hand and taking with the other; but, as it is a giving beyond all reason, it is taking without reason, and will involve a great waste of money.

Now, I invite the scrutiny of hon. Gentlemen opposite to the assertion I am about to make, for it is, as they will see, one of great importance. It is this —It is the opinion, not of the Government alone, nor of Liberals alone, but of some of the stoutest and most intelligent champions of the Irish Church, that the conditions imposed on commutation by this clause are so ill-constructed and so impracticable in their nature, that, if you pass the clause, it is equivalent to prohibiting commutation altogether. That is a fair issue to challenge, because I think that, on whatever points we differ, on both sides of the House we are all agreed, both in regard to the Presbyterian and to the disestablished bodies, the promotion of commutation is of the most weighty consequence for the interests and the future operations of those bodies, in order that they may reconstruct their organization and economize their resources. Let the House, then, observe what must occur under this clause with each of those annuitants in Ireland before there can be any commutation at all in the case of any one of their number. And there is the fatal error of this clause. It has locked up altogether the whole of this body, so that if in any one case, in a body including 1,500 Bishops and incumbents, there occurs any failure to satisfy any one of the conditions, even although the other 1,499 have had all the conditions fulfilled, and have all consented to commute, the failure in that single case out of the whole 1,500 absolutely bars commutation altogether! I hardly think either the framers of the clause, or the House which passed it, or hon. Gentlemen opposite—unless they have closely examined the clause—are in the least aware of this astounding result. But I proceed to make it good thus far. The clause states that within a certain period of time the representative body of the Church may apply to the Commissioners, and thereupon the Commissioners shall ascertain and declare the aggregate amount of the yearly income of the annuitants and the aggregate yearly value of the ecclesiastical property reserved to them under the Act and not having passed to the representative body of the Church under the provisions of the Act. So far the labour is placed on the Commissioners. I now come to the share which the representative Church Body has to take in it. That body is to satisfy the Commissioners that the whole of these life interests are unencumbered. The representative body is to inquire into and ascertain the private circumstances of every one of those annuitants; having no power, being armed with no inquisitorial authority for the purpose, it is to ascertain whether their benefices are subject to any and what encumbrances. How do we know that every one of them would consent to give such information to the representative body, to disclose and open up his private affairs for such a purpose? I think that nothing is so improbable as that in a body of 1,500 clerical annuitants it should be possible for the representative body to ascertain, in respect of each of them, whether their annuities, benefices, and ecclesiastical incomes are or are not subject to encumbrances of any and what description. But it does not stop with ascertaining the encumbrances. They must obtain the consent of every encumbrancer; and if a single encumbrancer on a single benefice in Ireland chooses to demur and state that he will not consent to the commutation of his annuitant, in that case there can be no commutation whatever for any annuitant in the Church of Ireland.

I think if the House has followed me through this statement, which I have intended to make strictly one of fact, they will be able to judge for themselves, quite irrespectively of the question whether they sit on this or on the other side of the House, whether I have not been justified in saying that while apparently an extravagant and unwarrantable boon is bestowed on the Church in the nominal amount of this commutation, the provisions and conditions attending it are such that it is, humanly speaking, not possible that any commutation whatever can take place. Another point I have to mention is this. If an incumbent holds out he may require the representative body of the Church to purchase for him a Government annuity. Now, supposing one-fourth only of the whole number of these annuitants, seeing that the Government annuity gives a much better security than anything else, should require Government annuities to be purchased for them. For the purchase of these Government annuities the representative body of the Church will require to have the command of £1,500,000 or £2,000,000. That is a condition previous to commutation. The engagement, be it observed, is not an engagement that they will purchase a Government annuity at some subsequent time; but it must be done in the first instance, and I want to know where in the world is the Church Body, before the commutation, to discover this £1,500,000 or £2,000,000 without which it cannot purchase these Government annuities. The whole thing, I am bound to say—and I invite strict investigation of the statement I have made—the whole thing, under the name and no doubt with the intention of giving a very great boon to the Church, is unwittingly the heaviest blow inflicted on it by any portion of the Bill, because it stops commutation altogether. Therefore I propose to disagree to this Amendment. But we have considered the matter, and have asked ourselves whether it is more equitable, and, therefore, consistent, with the principle of the Bill to make any improvement in the terms on which commutation is offered. We can only do that as far as is consistent with the principles of the Bill; and if we make that improvement it is essential in our eyes that it should be an improvement perfectly equal in its application to the Episcopalian and the Presbyterian communities. The Roman Catholics it does not effect. They derive none of the benefit of it, because the trust in the case of Maynooth stands between us and the personal life interests in the annuities. What we find is, that on an investigation of the respective values of ordinary lay lives and clerical lives the clerical lives are worth in the market 7 per cent more than lay lives. This, as far as it goes, is a circumstance satisfactory to the clergy amid their many discouragements. If the clergyman's life is worth 7 per cent more than the ordinary lay life, it follows that you will have to continue his annuity for a correspondingly longer term; and the simple proposition I make to the House is this—that if we think commutation is desirable with a view to the complete success and despatch of this measure, it is wise, as on the other hand it is certainly equitable—indeed, equity almost requires it—that we should recognize that increased value of the annuity in the commutation which we offer as an equivalent to the annuity. The only objection I know of to that is one of a practical kind—namely, that if you raise too much the inducements to commute you incur a risk—not so much by the individual action of the clergy as by the intervention of middle-men and societies — of creating a system under which you will find that all your good lives would run on with the annuity, and all your bad and indifferent lives would commute. In order to guard against that, we propose to add this 7 per cent, but to add it only in cases where the great mass of the annuitants have already signified their willingness to commute. And, so guarded, the proposition will be a safe and equitable one, equal in its application to the various classes of persons affected by it, and tending greatly to promote and facilitate that commutation, which is undoubtedly desirable for the purpose of bringing to a close the relations between the Government and the clerical annuitants in Ireland. I shall therefore propose to replace our own words in the clause, and then in lieu of the words introduced by the Lords, to introduce new words of our own to this effect—

> "If it appears to them as respects any diocese or united dioceses in Ireland, as the case may be, or as respects any Protestant non-conforming body or communion that not less than four-fifths of the whole number of ecclesiastical persons in such diocese or united dioceses, or of the whole number of the ministers of such body or communion authorized to commute under this Act, have commuted or agreed to commute their life interests, the commissioners shall thereupon pay in addition to the monies otherwise payable by them a sum equal to seven pounds in the hundred on the commutation money payable in respect of each life interest; such addition to be disposed of in the same manner as the commutation money in respect of which it is added."

It might appear as if we were falling into the same trap as the House of Lords in making the operation of the whole dependent upon the consent of each one. But that is not so, because we leave in operation our original proposition of each individual having the power to commute. But, in addition to that, if a large body of the clergy agree together to commute, then this additional benefit is given to this body collectively, while it will remain open to any individual to commute upon the terms originally proposed in the Bill. This is the plan we propose, and if we are right in the view we take of the impracticable and insurmountable difficulties of the plan proposed by the Lords, together with the other objections to which I have urged, I cannot help thinking that the House will be disposed to adopt our Amendment.

SIR ROUNDELL PALMER: I have taken great interest in this clause, believing it to be a matter of very great importance to the future Church that if possible the system of commutation should be adopted. I am bound to say, after hearing the speech of my right Friend the Prime Minister, that he has pointed out objections to the Amendment of the Lords which I at least am unable to answer. It appears to me that the difficulties in the way of dealing with encumbrancers, and the necessity of having the consent of every encumbrancer, and the difficulty that the Church Body may have in finding the money to purchase Government annuities are such that, if this House were to adopt this scheme, there would be a serious risk that it might fail in the working. On the other hand, I cannot but recognize a disposition to advance a certain way towards liberality in dealing with the Church in the proposition of my right hon. Friend. There is one thing, however, which I desiderate in this plan, and for which I think the Lords' Amendments provide better than the scheme of my right hon. Friend, and it is this—the Lords' Amendment sought to provide at once for the interests of the individual and the interests of the general body, which would include the laity, and to make the operation general as far as possible, so that no individual should have a right to claim the entire benefit of the commutation to himself, though he would have a right to have his annuity secured by the Church Body, and, if necessary, purchased from the Government. Now, as I understand the proposition suggested by my right hon. Friend, every individual incumbent could, if he chose, insist upon his proportion of the commutation being secured to himself personally. I confess I should have been glad if the proposition of the Government had been in terms which did not give so much power to the choice of the individual, provided always that his absolute right was properly secured; but if the Church Body and the individuals concerned act with that degree of self-denial which I hope we may expect from them, I think it is a proposal which may prove of some benefit to the Church. On the other hand, I should have been better pleased if the scheme of the original Bill, which seems, subject to the consent of the Church Body, to leave every individual at liberty to claim the entire benefit to himself, could have been re-modelled; but unless the objections to the Lords' Amendments can be answered the House may, perhaps, do wisely in the interests of the Church to accede to the proposition of the Government.

DR. BALL: I think that the clause of the Lords is practicable, and that it will work, notwithstanding some defects in its language. The construction which I put upon the clause is that whenever an incumbent claims it, a Government annuity shall be bought for him. If everybody consents then there is no difficulty; but if an interested person object to the method of compensation security must be given him even by the purchase of a Government annuity. Now, it may be that the words of the proposition do not clearly express the object in view; but I entertain no doubt that it is the object, and I think the House will be right in considering whether it would do wisely to accept that proposition. As I before said, the Lords' Amendments must be considered as a whole, because the Lords have sent down to us a scheme complete in itself, conferring certain benefits on the Church, and balancing those benefits by others granted in other directions. I do not accept the Prime Minister's statement as to the exact sum the Lords have given the Church; there is very great difficulty in ascertaining the precise amount the Church will obtain, but we can form some estimate of the probable result of the proposition now before us. If we give the Church fourteen years' purchase and enable every Bishop and other incumbent to demand the purchase of a Government annuity, we oblige the Church Body to take the fourteen years and to purchase in the dearest market the annuities for its clergy, so that, upon the best calculation I can make, instead of allowing £1,200,000 on this clause to the Church, it would be nearer the truth to say that, looking to the expense of management and the cost of Government annuities, the Church would by this plan relieve the Government of a great deal of expense, and have to put up with a net result of some £700,000. Now, the Prime Minister has made a proposition of a different character from that contained in the original Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN): It is an addition.

DR. BALL: I grant that. In the House of Lords Earl Granville made the proposition; but it was made only in general terms, and has never been debated, and is now mentioned in detail for the first time; and I say it is not fair to call on us to decide upon it until we have time to calculate the result it will have in figures. Although I am very conversant with these matters, I really cannot undertake to decide upon the matter at this moment. The question is one of calculation as to whether the proposition now presented to us offers not a larger margin than the original proposition, but offers a fair margin over and above the value of the life interests to secure the Church Body from loss in consequence of the obligations the new proposition would throw upon it. In the Lords' Amendments fourteen years' purchase was fixed, because the Government have adopted it in dealing with Maynooth. Besides, the difference between fourteen years all round and the figures given by the Prime Minister of thirteen years for incumbents, and twelve for Bishops, is not so very great. I cannot concur in the opinion that this clause is absolutely unworkable. However, the proposition of the Government is totally new, and we have not had time to consider it, and what we have to do is to contrast the clause with the new plan, which would deal with each diocese separately. I suggest to give a majority of the clergy in each diocese the power of binding the minority.

MR. GLADSTONE: All the old propositions remain in force, and this is an alternative one with certain advantages.

DR. BALL: It is of course better for us to have both the old and new plans. But the majority should bind the minority. What is the use of fixing any proportion unless it bind the minority? Why not enable us to deal with the minority as the Lords' Amendment does. I would suggest that the matter should be postponed until the clause, as now proposed, has been printed?

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, the objections of the Prime Minister to the clause as it came from the Lords remained unanswered; and anyone who read the clause, though not a lawyer, could see in it what was fatal to its working. The House of Lords might have meant otherwise; but unfortunately they had not said so. The right hon. and learned Gentleman said that only £700,000 had been made to the Church property. But that was in addition to the Royal and other grants. The advantage of the Government proposal was clear; it compelled no man to commute, and if four-fifths of the ecclesiastical persons in a diocese commuted they would get the value of the additional seven years' average of the clerical life. There was no binding of the minority at all. The plan was distinctly shadowed forth in the House of Lords both by a noble Lord, not a member of the Government, who moved an Amendment, and by Earl Granville. In his (the Attorney General's for Ireland) opinion the clause inserted by the Lords would not work, and in addition to handing over £1,500,000 there would be £700,000 or £800,000 squandered for commutation, which he believed to be impossible. He had no objection to accede to the suggestion which had been made for the postponement of the clause.

MR. GATHORNE HARDY trusted the right hon. Gentleman at the head of the Government would accede to the proposition for postponing the clause. As he understood, the first commutation proposed by the Government was on an ordinary life. But it was admitted that there were certain of the clergy whose lives were higher than the ordinary rate. What he wanted to know was why the same advantages should not be given to those who commuted separately and those who commuted in a body.

MR. CHICHESTER FORTESCUE said, that if the higher scale of payment were to be applied to every chance applicant, without requiring a certain number to agree in the application, the effect would be that all the bad lives would apply, and the good lives would not do so.

MR. GLADSTONE consented to postpone the clause, and that it should be printed.

Clause *postponed.*

Clause 26 (Enactments with respect to burial grounds).

MR. GLADSTONE said, this clause raised the question about the portion of a graveyard which was separated by a highway from the portion of the graveyard immediately attached to a church. The House would no doubt recollect the argument upon the matter in that House. He believed the House of Lords thought a footpath might be held to be a highway, and that as many footpaths went through the middle of churchyards, the churchyard might be divided in that way. The Government were quite willing to meet that objection, but they were not willing, on the other hand, to put in connection with the Church such part of a churchyard as might be separated by a carriage way. Therefore they proposed to amend the Lords' Amendment by restoring the words originally inserted in the Bill, but with the Amendment of substituting "carriage way" for "highway."

Amendment *agreed to.*

Clause 27, page 13, line 33, to leave out from the word "therein," to the word "section," in line 40, the next Amendment, read a second time."

MR. GLADSTONE: This is the clause relating to glebe houses, and in substance we have to ask the House to disagree with the Amendment of the Lords. The clause is the one connected with the subject of concurrent endowment, and we must all have felt a difficulty; we felt it ourselves in dealing with the glebe houses. It was impossible absolutely to withold the glebe houses from the Church, as it was difficult to get at the bottom of the argument which was used, and to know whether the contribution levied upon clerical incomes for the building of glebe houses ought to be considered a public or private endowment. Exercising the best judgment we could, we asked the House to determine, and the House did determine, that the glebe houses should go to the Church upon a very moderate payment. We felt it was impossible to give them absolutely to the Church, unless we were prepared to enter into the question of giving glebe houses also to the ministers of other communions. The Lords have given glebe houses absolutely to the Church, and have accompanied the gift with an addition to the clause, involving a variety of propositions with regard to glebe houses and to glebes on behalf of the ministers of other communions. To that addition to the clause we propose to object when we come to it, and therefore we feel. as seems to have been felt in the other House, that we have no alternative except to retain the very moderate charges given upon the glebe houses as they went up from this House. I now move that this House disagree with the Lords' Amendment giving the glebe houses to the Protestants free of charge.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Gladstone.*)

MR. GATHORNE HARDY: This Amendment raises the question of giving the Church glebes to the Church Body without payment. This Amendment was carried by the Lords without reference to concurrent endowment. No doubt, in the first instance, some of the Lords voted for it in the hope that the proposition for concurrent endowment would be carried; but when an attempt was made subsequently to reverse this Amendment that attempt failed, and therefore it stands now without any reference to the question of concurrent endowment. I think it is only fair and just to the Church that this Amendment should be agreed to; and therefore I shall divide the House on the Motion of the right hon. Gentleman at the head of the Government.

Sir ROUNDELL PALMER: I am prepared to acquiesce in what the House of Lords has done in favour of other bodies; but, independently of that consideration, I am in favour of this Amendment, because I think the question of the glebe houses comes within the same view as that adopted in favour of Maynooth, and because justice in this case does not depend on the adoption of exact numerical equality, which is a thing you cannot obtain. Why should we be so very nice in the measurement of these matters. The question has been asked—"Will you do unto others as you would wish them to do unto you?" Without hesitation I say that if the Roman Catholics bore the same proportion to the Protestants of this country as the Protestants do to the Roman Catholics in Ireland, I should be prepared in a measure of this kind, if it were for the disestablishment of the Church of the Roman Catholics, to give them what is now asked for the Irish Protestants. The Government propose to give the Church Body those glebe houses for not a very large payment, but still a payment. I believe they are valued at £200,000 or £300,000. Now, having regard to the numerical proportion of the Protestants, I do not think the proposal would leave them more than their fair proportion of the Church property, and I do not think that in discussing this matter the commutation of life interests ought to be taken into account.

Mr. BRIGHT: I think the House will see that on the principle of this Bill —that is, the principle that there shall be no general endowment—there can be no pretence, in strict justice, for saying that to offer these glebes at a moderate price —and my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) says the price is moderate—is not a fair proposition. We have heard it said that in this Bill, while a strict principle has been adhered to with regard to the life interests of the clergy, nothing has been done for the laity. I think the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) has made use of that argument. At all events, it has been used here very often. But let the House bear this in mind, that the average expectation of the life of an Irish clergyman being sixteen years, during the whole of that time out of the funds of the Church the congregation are provided with church, glebe house, and minister; because for the whole of that time, on the average, the congregations of the new Church will not be called upon to subscribe any sums for the sustenance of their ministers. Now, when looking on a transaction of this kind—assuming that it is to be done—I think the man must be very unreasonable who says that the glebes should be given entirely free of the charge that is upon them. I bear in mind further that that which is the average expectation of life in clergymen is equal to the average expectation of life of all the men and women who form the congregation of the Church in Ireland, and therefore during the lifetime of all the existing congregations, and all the individuals who compose them, Parliament is making a provision under which they will have their ministers paid for as heretofore; while for succeeding generations Parliament also provides the church buildings and parsonage houses, liable only to this small charge, amounting to from £200,000 to £250,000, but so far remitted that the sum actually borne will only be from £100,000 to £150,000. No doubt some hon. Members do not concur with us in thinking that this Bill will confer a great advantage on the country; but we, who are responsible to Parliament for the Bill, do think it will, and in completing a great transaction like this we should wish to treat the Church with liberality. I believe that the Bill does what I always hoped it would do, that it treats the Irish Church graciously and generously.

Mr. BERESFORD HOPE said, he was prepared to support this Amendment, even in the naked form in which it was presented to the House; but he should not do so with so easy a conscience if he were not to have an opportunity, at a later period, of also supporting a somewhat similar proposition in favour of the two other forms of Christianity which made up the majority of the Irish people. Right rev. and learned Prelates had argued in the other House as to the nature and definition of sacrilege. He should not follow them into those debates, but he appealed to the sentiment of every Christian man whether there was not a true, instinctive feeling upon the matter;—he asked if there was not a patent incongruity in applying property which had once been dedicated to the service of God, to other uses—beneficial, it may be, in themselves, but lower in their character. He appealed, in proof of his assertion, to the Government's own proposal for the disposal of the surplus. It had been blamed on different grounds by many persons. The exception he should take to it was its double-faced character. It was palpably an attempt to sail as near the wind as possible, and invent some disposition of the surplus which should, and yet should not be, religious. It was devised as a scheme which might be vindicated in political circles upon the ground of its probable social advantage to Ireland; while elsewhere it would be applied to salve the scruples of those who objected to see God's property diverted to other objects by the insinuation that, after all, the proposed use was very near indeed to religious uses. Much as he regretted it, he accepted the fixed conclusion that the Irish Church must be prepared to lose a large proportion of its property, and he should therefore—if he had not the opportunity of voting—at least, as a matter of conscience, lift up his voice in favour of its application to the next best, the most congruous object—that of its being so devoted as to procure some little material comfort, some outward show of modest independence, something which should tangibly and really create that equality which the Bill, as it stood, merely pretended to bestow, in favour of the clergy of the majority of the Irish people, the ministers of the Roman Catholic, and of the Presbyterian bodies.

Mr. WALTER said, he had given this clause his hearty support when it was originally proposed, because he considered then, as, indeed, he did now, that it was a just and liberal arrangement as regards the glebes. He had regarded the exaction of a moderate payment for the sites of the glebe houses as being rather an ingenious device to cover what was really a gift to the Established Church than as a matter of strict bargain and sale. Holding that view, he had been perfectly content with the clause as it went up to the House of Lords, and it was only in consequence of that House having disturbed the existing equilibrium that the proposal for concurrent endowment was first raised. With that proposal he had no hesitation in saying that he heartily agreed. He believed that had it been in the power of the House—which he regretted it was not—to have carried that principle, no single proposal could have been made in connection with this subject which would have done so much to pacify the great mass of the Irish people, and to take out of the measure that sting which at present rankled in their minds, because after all that had as yet been done, the religious feelings of the great mass of the population of Ireland had been but little considered on this subject. It was, however, a point of paramount importance to his mind, far outweighing any private opinions of his own, that this question should be disposed of finally and for ever. Believing that to be the case, he should yield his private conviction on the matter and should vote in support of the Government proposal as it originally stood, because he regarded the speedy passage of the Bill through Parliament as being of the first importance. He might observe that the question of concurrent endowment was a matter of principle with those who opposed it, but that it was merely regarded by those who supported it as a question of expediency. Being convinced, however, that the general opinion of the country was against that principle he should believe it to be his duty to vote in support of the Government in this matter.

Sir FREDERICK W. HEYGATE said, in arriving at a conclusion adverse to concurrent endowment, he had not been influenced by any prejudice against the Roman Catholic ministers. The ministers of all congregations, in his opinion, should be properly housed; but the present proposal was not only opposed to the general opinion of the country, but was in itself impracticable and unjust. There were in Ireland a large number of ministers belonging to religious denominations other than those of the Established Church, the Roman Catholic, and the Presbyterian, for whom, in the event of the principle of concurrent endowment being adopted, glebes and houses would have to be provided. Thus there were of the Remonstrant Synod of Ulster, 24 ministers; Presbytery of Antrim, 13; Northern Presbytery of Antrim, 7; United Presbytery of Munster, 5; Eastern Reformed Presbyterian Synod, 8; United Presbyterian Presbytery of Ireland, 10; United Presbyterian Church, Dublin, 1; Secession Church, 11; the Independent Church in Ireland, 28; Reformed Presbyterian Synod of Ireland, 32; Methodist Church, about 178; Primitive Wesleyan Methodist, 80; Methodist New Connection, 7; Association of Baptist Churches of Ireland, 19;—total, 423, besides the Presbyterian ministers of the Church of Scotland and Roman Catholic priests. It would be most unjust not to provide houses and glebes for these ministers if they were to be provided for those of other religious denominations. Another point was that as long as the disestablished clergy possessed large and handsome houses, there could be no complete equality between them and those of other denominations who had smaller houses. Another reason for opposing the proposal was the bad precedent it would afford in the event of any proposition being brought forward for the disestablishment and disendowment of the Church of England. The determination to permit the Church of Ireland to retain its private endowments would operate greatly in favour of the Church of England in the event of such a proposal being carried. He did not think that this could be carried out, because it would be an outrage upon public opinion at the present moment. For the information of the House he might state that he had long ago done all he could in private to secure proper residences for the ministers of all denominations. If it was right and reasonable that the congregations which were sufficiently large should be provided with sites for their ministers' houses, money might be lent to them by the State at a low rate of interest, as it was lent at present to landowners for the purposes of drainage. Money might be thus lent to congregations which gave a guarantee of their number, and they ought also to be required to contribute a considerable portion of the cost of the ministers' houses. This was a proposal which he hoped to see adopted at some future time. Then, as Ireland was to be judged of by herself instead of being connected as heretofore with the majority of the people of the Empire, it was an utterly wrong principle for English and Scotch Members to insist upon the Irish Members adopting a certain application of the surplus. If in the future the opinion of Irish Members should be in favour of making comfortable the ministers of various denominations, by all means let that be done when the time arrived. The question should, however, be relegated to the time when the surplus accrued. He preferred to see this question, which was entirely an Irish question, and this fund, which was entirely an Irish fund, left open to the future decision of the House, notwithstanding that some inconvenience might in the meantime arise in consequence of applications from all classes of theorists.

MR. WHALLEY said, he thought the general feeling of the country was that this was not an Irish question, but an English question, and a Church of England question—an attempt to put all religions on a basis of equality. He thanked the Government for having opposed concurrent endowment, for the reason that in his opinion there ought to be free trade in religion as in everything else. The laity were quite prepared to respond to the opinion he now ventured to express.

MR. VERNON HARCOURT expressed his acknowledgments to the hon. Baronet the Member for Londonderry (Sir Frederick Heygate) for his very frank and candid speech. One of the greatest difficulties he had formerly felt with regard to the Bill was on the subject of the charge made upon the glebe houses of the Protestant clergy in Ireland, but that difficulty had now been entirely removed by the speech of the hon. Baronet, who, as representing very adequately the sentiments of the Protestant population of Ireland, had most candidly admitted that this question could not be dissevered from the other question of the endowment, as far as glebe houses were concerned, of all the other sects in Ireland. He should now vote against the proposal embodied in the Bill by the House of Lords.

MR. CONOLLY said, he regretted that the House of Lords should have originated the scheme of concurrent endowment. The Lower House had got through the whole of the discussions on the Bill without such a matter being mentioned, and he could have hoped that it had rested there. Such a scheme had never been put forward by any Irish Member, and it was one which found no favour whatever in Ireland either from Protestant or Roman Catholic. Concurrent endowment was, in fact, simply impossible. There was a demonstration held in the North of Ireland a few days ago, at which it appeared 300,000 persons assembled to complain of the treatment which they were receiving at the hands of the Government, and he hoped their claims would have some consideration from the right hon. Gentleman who was at its head. ["Divide!"]

MR. PIM said, that having, when the Bill was in Committee, advocated the giving of glebes and manses to the clergy and ministers of the three principal religious bodies in Ireland, he wished to say a few words respecting the Amendment which had been introduced in the House of Lords in favour of what was improperly called "concurrent endowment." He did not consider this as an endowment, but rather as an attempt to carry out the Preamble of the Bill, and to—

> "Satisfy so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims."

The great question which had been brought before the constituencies of Ireland at the last election was that of "religious equality," and to that he had pledged himself. Now, this Bill, as it left the House of Commons, did not secure this equality. It gave the cathedrals and other churches to the disestablished Church, and it offered the glebes and glebe houses at a price below their market value. He fully approved of this policy, believing it to be necessary if the House did not want a civil war in Ireland; but it was not in accordance with that equality which had been held out as the principle to be acted on. Therefore he advocated the giving of glebes and manses to the Presbyterian ministers and to the Roman Catholic clergy, in order to make the provisions of the Bill more consistent with justice and fair dealing, and thus secure a nearer approach to equality between the different religious communities in Ireland. He would not enlarge on the benefits to the country which might be expected from this measure, or on the injurious consequences which he feared would result from its refusal. They had been fully stated that evening in the noble speech of the hon. and learned Member for Richmond (Sir Roundell Palmer); and if the arguments of his hon. and learned Friend had not convinced the House it was useless for him (Mr. Pim) to attempt it. He knew there were practical difficulties, as had been shown by the hon. Baronet the Member for Londonderry (Sir Frederick Heygate); but similar difficulties attended every new measure, and he was confident they would vanish before a resolute determination to carry it into effect. He was very unwilling to separate himself from his friends of the Liberal party; but he felt bound by the pledges he had given to his constituents to do what he could to promote religious equality, and therefore, if there was a division, he would give his vote in favour of the Amendment proposed by the Lords, as he had already voted for the omission from the Preamble of the words which had been understood as precluding the application of the Church funds to any religious purpose.

COLONEL GILPIN moved the adjournment of the debate, and said that the Lords' Amendments, whether accepted or rejected, ought, in common decency, to be attentively listened to.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Colonel Gilpin.*)

MR. GLADSTONE trusted that, now they were so near to a decision, it would not be interrupted with any view of reopening the debate hereafter. An adjournment of the debate upon the discussion of Lords' Amendments was totally different from an adjournment when the Bill was entirely in the hands of this House. Much time must necessarily be consumed in preparing and exchanging Reasons between the two Houses, and very great practical inconvenience would arise to Members themselves in the event of any adjournment.

Mr. DISRAELI rose to enforce the advice of the right hon. Gentleman, and hoped that if his hon. and gallant Friend (Colonel Gilpin) considered the position of this House, especially with reference to the other House of Parliament, he would not press his Amendment. At the same time his hon. and gallant Friend was perfectly justified in making this appeal to the Chair, because the House had got into a state which was not satisfactory. That state of affairs arose from an attempt to argue upon a provision which was hardly yet before the House. They had now to decide upon a very simple issue — whether the Protestant clergy should possess their glebe houses free of charge or not. This point was thoroughly understood, and did not seem to require further discussion. After that, they would, no doubt, come to the provisions upon concurrent endowment substituted by the Lords. He himself held that they had really discussed that question, and that when they came to it it would not be necessary to enter into any lengthened or further discussion upon it. That question, however, was not yet before the House. The simple issue was whether this House was of opinion with the House of Lords that the Protestant clergy in Ireland should possess their glebe houses free of charge.

Colonel GILPIN said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Mr. COLLINS differed from the right hon. Gentleman (Mr. Disraeli), and thought they should take the clause as a whole. Now, he was not prepared to vote for a clause which might give an advantage to one religious community over another. At the same time he believed that if this question had been discussed in a Parliament of Irishmen, and not of Englishmen and Scotchmen, their decision would have been that it was for the interests of Ireland to do something for the clergy of all denominations.

Question put, "That this House doth disagree with the Lords in the said Amendment."

The House *divided*:—Ayes 326; Noes 237: Majority 89.

AYES.

Acland, T. D.
Adair, H. E.
Agar-Ellis, hn. L. G. F.
Akroyd, E.
Allen, W. S.
Amcotts, Colonel W. C.
Amory, J. H.
Anderson, G.
Anson, hon. A. H. A.
Anstruther, Sir R.
Antrobus, E.
Armitstead, G.
Ayrton, A. S.
Aytoun, R. S.
Backhouse, E.
Bagwell, J.
Baines, E.
Baker, R. B. W.
Barclay, A. C.
Barry, A. H. S.
Bass, M. A.
Baxter, W. E.
Bazley, T.
Beaumont, Captain F.
Beaumont, H. F.
Beaumont, S. A.
Bentall, E. H.
Biddulph, M.
Blake, J. A.
Blennerhasset, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, rt. hon. H.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, rt. hon. J.
Bright, J. (Manchester)
Brinckman, Captain
Brocklehurst, W. C.
Brown, A. H.
Bruce, Lord C.
Bruce, Lord E.
Bruce, rt. hon. H. A.
Bryan, G. L.
Buller, Sir E. M.
Bulwer, rt. hn. Sir H. L.
Bury, Viscount
Cadogan, hon. F. W.
Callan, P.
Campbell, H.
Candlish, J.
Cardwell, rt. hon. E.
Carington, hn. Capt. W.
Carnegie, hon. C.
Carter, R. M.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, M.
Chambers, T.
Childers, rt. hon. H. C. E.
Cholmely, Captain
Cholmely, Sir M.
Clement, W. J.
Cogan, rt. hon. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowen, J.
Cowper, hon. H. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Dalrymple, D.
D'Arcy, M. P.
Davie, Sir H. R. F.
Davies, R.
Davison, J. R
Delahunty, J.
De La Poer, E.
Denison, E.
Denman, hon. G.
Dent, J. D.
Dickinson, S. S.
Digby, K. T.
Dilke, Sir C. W
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, J. G.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Ellice, E.
Enfield, Viscount
Ennis, J. J.
Erskine, Vice-Adm. J. E.
Esmonde, Sir J.
Ewing, H. E. C.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Finnie, W.
FitzGerald, rt. hn. Lord O. A.
Fitzmaurice, Lord E.
FitzPatrick, rt. hn. J. W.
Fletcher, I.
Foljambe, F. J. S.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hn. C. P.
Fothergill, R.
Fowler, W.
Gavin, Major
Gladstone, rt hn. W. E.
Gladstone, W. H.
Gower, hon. E. F. L.
Gower, Lord R.
Goschen, rt. hon. G. J.
Gourley, E. T.
Graham, W.
Gray, Sir J.
Gregory, W. H.
Greville, Captain

Grieve, J. J.
Grosvenor, Lord R.
Grosvenor, Capt. R. W.
Grove, T. F.
Guest, M. J.
Hamilton, E. W. T.
Hamilton, J. G. C.
Hanmer, Sir J.
Harcourt, W.G.G.V. V.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Horsman, rt. hon. E.
Howard, J.
Hughes, T.
Hughes, W. B.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Hyde, Lord
Illingworth, A.
James, H.
Jardine, R.
Jessel, G.
Johnston, A.
Johnstone, Sir H.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Layard, rt. hon. A. H.
Lambert, N. G.
Lancaster, J.
Lawrence, J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lee, W.
Lefevre, G. J. S.
Loch, G.
Locke, J.
Lorne, Marquess of
Lowe, rt. hon. R.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
MacEvoy, E.
Macfie, R. A.
M'Lagan, P.
M'Laren, D.
M'Mahon, P.
Magniac, C.
Maguire, J. F.
Maitland, Sir A.C.R. G.
Marling, S. S.
Martin, C. W.
Martin, P. W.
Matheson, A.
Matthews, H.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Milton, Viscount
Mitchell, T. A.
Moncrieff, rt. hon. J.
Monk, C. J.
Monsell, rt. hon. W.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
North, F.
Norwood, C. M.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Philips, R. N.
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Pollard-Urquhart, W.
Portman, hn. H. W. B.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Rebow, J. G.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, Brn.M.A.de
Russell, A.
Russell, F. W.
Russell, Sir W.
Rylands, P.
St. Aubyn, J.
Salomons, Mr. Ald.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Scott, Sir W.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Shaw, R.
Shaw, W.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, T. E.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Sullivan, rt. hon. E.
Sykes, Colonel W. H.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Tollemache, hon. F. J.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. H.
Trevelyan, G. O.
Vivian, A. P.
Vivian, H. H.
Vivian, hn.Capt.J.C.W.
Walter, J.
Wedderburn, Sir D.
Weguelin, T. M.
Wells, W.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Whatman, J.
Whitbread, S.
White, hon. Captain C.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Young, A. W.
Young, G.

TELLERS.

Adam, W. P.
Glyn, G. G.

## NOES.

Adderley, rt.hn. Sir C.B.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Archdall, Captain M.
Assheton, R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Benyon, R.
Bingham, Lord
Birley, H.
Booth, Sir R. G.
Bourke, hon. R.
Bourne, Colonel
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Burrell, Sir P.
Butler-Johnstone, H. A.
Cameron, D.
Cartwright, F.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clive, Colonel E.
Clive, hon. Col. G. W.
Clowes, S. W.
Cole, hon. Col. H. A.
Conolly, T.
Corbett, Colonel
Corrance, F. S.
Cowper, rt. hon. W. F
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Dalway, M. R.
Damer, Capt. Dawson-
Davenport, W. B.
De Grey, hon. T.
Denison, C. B.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Dowdeswell, W. E.
Duncombe, hn. Colonel
Du Pre, C. G.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elliot, G.
Elphinstone, Sir J.D.H.
Ewing, A. O.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Fitzwilliam, hn.C.W.W.
Fitzwilliam, hon. H.W.
Floyer, J.
Forde, Colonel
Forester, rt. hn. General
Fowler, R. N.
Gallwey, Sir W. P.
Galway, Viscount
Garlies, Lord
Gilpin, Colonel
Gore, J. R. O.
Grant, Colonel hon. J.
Graves, S. R.

[*Lords' Amendments.*

Gray, Lieut.-Colonel
Gregory, G. B.
Guest, A. E.
Gurney, rt. hon. R.
Hambro, C.
Hamilton, Lord C.
Hamilton, I. T.
Hamilton Lord G.
Hamilton, Marquess of
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henniker - Major, hon. J. M.
Henry, J. S.
Herbert, rt. hn. General Sir P.
Hermon, E.
Hervey, Lord A. H. C.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hood, Capt. hon. A. W. A. N.
Hope, A. J. B. B.
Hornby, E. K.
Howes, E.
Hunt, rt. hon. G. W.
Hutton, J.
Ingram, H. F.M.
Jackson, R. W.
Jenkinson, Sir G. S.
Johnston, W.
Kavanagh, A M'M.
Kekewich, S. T.
Keown, W.
Knight, F. W.
Knightley, Sir R.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. H. P. G.
Laslett, W.
Lefroy, A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Lopes, Sir M.
Lowther, J.
Lowther, W.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Manners, Lord G. J.
March, Earl of
Maxwell, W. H.
Mellor, T. W.
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Mitford, W. T.
Montagu, rt.hn.LordR.
Montgomery, Sir G. G.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
North, Colonel
Northcote,rt.hn.SirS.H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Parker, Lt.-Colonel W.
Patten, rt. hn. Col. W.
Peek, H. W.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Powell, W.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Royston, Viscount
Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Scott, Lord H. J. M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir H. J.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Somerset, Colonel
Stanley, hon. F.
Stanley, Lord
Starkie, J. P. C.
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sykes, C.
Talbot, J. G.
Talbot, hon. R. A. J.
Taylor, rt. hon. Colonel
Tipping, W.
Tollemache, J.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Vandeleur, Colonel
Verner, E. W.
Verner, W.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitmore, H.
Williams, C. H.
Williams, F. M.
Wilmot, H.
Wright, Colonel
Winn, R.
Wise, H. C.
Wynn, C. W. W.
Wynn, Sir W. W.

TELLERS.

Noel, hon. G. J.
Dyke, W. H.

MR. GLADSTONE then *moved* that the Lords' Amendments to the remainder of the clause—with reference to concurrent endowment—be disagreed to.

MR. DISRAELI said, after the division which had just been come to he should not oppose the Motion.

The next Amendment to Clause 27, *disagreed to.*

MR. GLADSTONE said, that, agreeably to the understanding arrived at yesterday, he should propose that the House should meet to-morrow at four o'clock, and that they should proceed with this subject—as far as the Government had power — as the first subject. He was aware that the Order for Supply would stand first; but, no doubt, they would, by the kindness and consideration of Members, be allowed to go forward with this subject without delay.

Further Consideration of Lords' Amendments *deferred* till *To-morrow.*

House adjourned at a quarter after Two o'clock.

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# INDEX

TO

# HANSARD'S PARLIAMENTARY DEBATES,

## VOLUME CXCVII.

### FOURTH VOLUME OF SESSION 1868-9.

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### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1°, 2°, 3°, or 1ª, 2ª, 3ª, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings:"—ARMY — NAVY — INDIA — IRELAND — SCOTLAND — PARLIAMENT — POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW.

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*Agricultural Labourers*
  Amendt. on Committee of Supply *June* 25, To leave out from "That," and add "in the opinion of this House, the education of agricultural labourers is in general in so unsatisfactory a condition that immediate legislation upon the subject is imperatively demanded; this House therefore thinks that the Government ought to legislate upon the subject during the next Session of Parliament" (*Mr. Fawcett*), 582; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

*Agricultural Returns*
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  Amendt. to leave out "now," and add "upon this day three months" (*Sir Graham Montgomery*), 843; after debate, Question put, [*cont.*

*Annuity Tax (Edinburgh) Bill*—cont.
  "That 'now,' &c.;" A. 151, N. 142; M. 9; main Question put, and agreed to; Bill read 2° [Bill 19]
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  *Gunpowder Magazines at Upnor*, Question, Mr. P. Wykeham-Martin; Answer, Mr. Cardwell *July* 5, 1168
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  *Colonels in the Indian Army*, Question, Colonel North; Answer, Mr. Cardwell *July* 15, 1888
  *Medal for Service in India*, Question, Mr. Kinnaird; Answer, Mr. Grant Duff *June* 28, 624; *July* 8, 1424
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  *Major M'Gwire's Camping System*, Question, Mr. Knight; Answer, Mr. Cardwell *July* 1, 944
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  *Royal Horse Artillery*, Question, Mr. Walsh; Answer, Mr. Cardwell *June* 21, 359

*Army—Adjutancies of Militia*
  Amendt. on Committee of Supply *June* 17, To leave out from "That," and add "the declaration which has to be signed by incoming Adjutants of Militia ought to be annulled" (*Mr. Sartoris*), 138; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

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  Amendt. on Committee of Supply *June* 17, To leave out from "That," and add "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy or Extracts of Correspondence between the Board of Works, the War Office, and the Royal Engineer Department of the Horse Guards, which has taken place on the subject of Buckingham Palace Guard Room, since August last" (*Viscount Bury*), 137; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

*Army—Clerks of the Works and Royal Engineers*
Amendt. on Committee of Supply *June* 17, To leave out from "That," and add "in the opinion of this House, the Clerks of the Works and Clerks of the Royal Engineer Department are entitled to or should be granted the same rights and privileges, according to their relative rank, as are extended to other non-combatants in the Military Service" (*Mr. Montagu Chambers*), 134; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

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**Assessed Rates** (*re-committed*) **Bill**
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Moved, "That the Bill be now read 2ª" *July* 13, 1750; after short debate, Bill read 2ª (No. 174)

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(*The Lord Archbishop of Canterbury*)
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Army—Clerks of the Works and Royal Engineers, Res. 136
Army Estimates—Army Administration, 145
  Military Education, 143, 147
  Superannuation Allowances, 149, 150
Sunday and Ragged Schools, Comm. 465

CARNARVON, Earl of
Bishops Resignation, 2R. 1743, 1744
Endowed Schools, 2R. 618
Irish Church, 2R. 36; Comm. *cl.* 2, 746; *cl.* 14, 914; *cl.* 23, Amendt. 924; Report, Amendt. 1484, 1486; 3R. 1621
Parliament—Order in the House, 403, 405

CARNEGIE, Hon. C., *Forfarshire*
- Cattle Plague (Cheshire), Res. 1810
- Contagious Diseases (Animals), Comm. *cl.* 63, 1532; *cl.* 90, 1757
- Parochial Schools (Scotland), 2R. 1734

CARTER, Mr. R. M., *Leeds*
- Supply—Public Works (Ireland), 1461
  - Rates for Government Property, 1459
  - Royal Parks, &c. 664

*Cattle Plague*
- Question, Mr. A. Johnston; Answer, Mr. W. E. Forster *July* 1, 949
- *Cheshire*, Moved, "That, in the opinion of this House, the distress occasioned by the Cattle Plague to the Ratepayers of the county of Chester entitles them to the favourable consideration of Her Majesty's Government, with a view to some remission of the heavy debt incurred for the amount of compensation" (*Earl Grosvenor*) *July* 13, 1807; after debate, Question put; A. 85, N. 126; M. 41
- *Roumania, Cattle Plague in*, Question, Mr. Turnor; Answer, Mr. W. E. Forster *July* 2, 1081

CAVE, Right Hon. S., *New Shoreham*
- Bankruptcy, Comm. *cl.* 130, 317

CAVENDISH, Lord F. C., *Yorkshire, W.R., N. Div.*
- Agricultural Labourers, Res. 592

CAVENDISH, Lord G. H., *Derbyshire, N.*
- Bankruptcy, Comm. *cl.* 130, 327

CAWLEY, Mr. C. E., *Salford*
- Assessed Rates, Comm. *cl.* 1, 377, 394; *cl.* 5, 532, 533
- Contagious Diseases (Animals), Comm. *cl.* 64, 1535; *cl.* 67, Amendt. *ib.* 1539; *cl.* 73, Amendt. 1540, 1541; *cl.* 90, 1758; *cl.* 96, Amendt. 1762; *cl.* 98, Amendt. 1762; *cl.* 99, Amendt. 1763
- Irish Church, Lords' Amendts. 1934
- Supply—Rates for Government Property, 1459
  - Royal Parks, &c. 666; Amendt. 673

CHADWICK, Mr. D., *Macclesfield*
- Assessed Rates, Comm. *cl.* 1, 397; *add. cl.* 534; Consid. Amendt. 1084, 1086, 1087
- Cattle Disease (Cheshire), Res. 1817
- Contagious Diseases (Animals), Comm. *cl.* 101, 1764
- French Treaty, Motion for a Committee, 338

CHAMBERS, Mr. M., *Devonport*
- Army—Clerks of the Works and Royal Engineers, Res. 134
- Bankruptcy, Comm. *add. cl.* 417
- Civil Offices (Pensions), Consid. 542

CHAMBERS, Mr. T., *Marylebone*
- Marriage with a Deceased Wife's Sister, Instruction, 467, 470
- Poor Law (Removal of Children), Res. 1334, 1340

CHANCELLOR, The LORD (Lord HATHERLEY)
- Bankruptcy, 2R. 1403, 1416
- Bishops Resignation, 2R. 1747
- Charity Commissioners, 2R. 1748
- Endowed Schools, Comm. *cl.* 14, 1878
- Irish Church, 2R. 247; *cl.* 7, 755, 756, 759; *cl.* 8, *ib.*; *cl.* 13, 874, 881; *cl.* 14, 914; *cl.* 15, 920; *cl.* 16, 923; *cl.* 25, 998; *cl.* 29, 1117, 1119, 1149; *cl.* 19, 1266; *cl.* 21, 1267; Report, 1493, 1495, 1501, 1522; 3R. 1622
- Parliament—Order in the House, 408
- Religious, Educational, &c., Societies Incorporation, Comm. 568
- Special Bails, 2R. 1749

CHANCELLOR of the EXCHEQUER (Right Hon. R. LOWE), *London University*
- Bankruptcy, Comm. *cl.* 130, 318; *cl.* 131, 415
- Bills of Exchange, Res. 141
- Cattle Disease (Cheshire), Res. 1812
- Civil Offices (Pensions), Consid. 544
- Faraday, Proposed Monument to, 1173
- Fire Insurance Duty, 1168
- House Tax, Res. 1805
- Income and Assessed Taxes, Payment of, 123
- Ireland—Loans to Dublin and Belfast, 125
- Money Laws (Ireland), 2R. 481
- Poor Law, Res. 441, 443
- Prisoners (Political Offences), Res. 819
- Shepherds Dogs, Tax on, 947
- Sunday and Ragged Schools, Comm. 464, 466
- Supply—Houses of Parliament, Report, 1443
  - Industrial Museum, Edinburgh, 1212
  - Royal Parks, &c. 670
  - Treasury, &c. Departments, 1478

CHAPLIN, Mr. H., *Lincolnshire, Mid.*
- Contagious Diseases (Animals), Comm. *cl.* 15, 1287

**Charity Commissioners Bill** [H.L.]
(*The Lord Chancellor*)
- *l.* Presented; read 1ª* *July* 5 (No. 170)
- Moved, "That the Bill be now read 2ª" *July* 13, 1748; Bill read 2ª

CHARLEY, Mr. W. T., *Salford*
- Contagious Diseases (Animals), Comm. *cl.* 7, 1768
- Dublin Freemen, Leave, 961
- Irish Church, Lords' Amendts. 1954, 1955, 1958
- Trades Unions, 2R. 1364

CHELMSFORD, Lord
- Bankruptcy, 2R. 1416
- Irish Church, Comm. *cl.* 2, 752; *cl.* 7, 756; *cl.* 9, 759

CHILD, Sir S., *Staffordshire, W.*
- Contagious Diseases (Animals), Comm. *cl.* 63, 1533; *cl.* 90, 1756

CHILDERS, Right Hon. H. C. E. (First Lord of the Admiralty), *Pontefract*
- Greenwich Hospital, Comm. 566
- Navy—Admiralty Clerks, 412, 413
  - Flying Squadron, 311
- Ryde Pier, 358

**Children, &c. Protection Bill**
(*The Marquess Townshend*)
*l.* Moved, "That the Bill be now read 2ª" *July* 15, 1864
Amendt. to leave out ("now") and insert ("this day three months") (*The Earl of Airlie*); on Question, That ("now") &c.? resolved in the negative; Bill to be read 2ª on this day three months

*China*
*Hong Kong — Gambling Houses*, Question, Colonel Sykes; Answer, Mr. Monsell *July* 12, 1667
*Pekin—Insult to the French Chargé d'Affaires*, Question, Colonel Sykes; Answer, Mr. Otway *June* 28, 625
*Tien-Tsin, Treaty of*, Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of the Memorial of the Chamber of Commerce at Shanghai to Sir Rutherford Alcock, and his Reply to the Memorial addressed to Consul Medhurst, dated the 23rd day of March last:
And, of all Correspondence of the Foreign Office, with Sir Rutherford Alcock on the subject of the renewal of the Treaty of Tien-tsin" (*Colonel Sykes*) *July* 13, 1779; after debate, Motion withdrawn

**Cinque Ports Act Amendment Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1º* *July* 9 [Bill 206]
Read 2º* *July* 12

**Civil Offices (Pensions) Bill**
(*Mr. Dodson, Mr. Gladstone, Mr. Chancellor of the Exchequer*)
*c.* Considered, after debate *June* 24, 536 [Bill 133]
Read 3º* *June* 28
*l.* Read 1ª* (*The Marquess of Lansdowne*) *June* 29 (No. 157)

Clancarty, Earl of
Irish Church, Comm. *cl.* 13, Amendt. 874, 878; *cl.* 28, 1025; *cl.* 41, 1159; *cl.* 46, 1165; Report, 1486, 1492; 3R. Amendt. 1595, 1614

Clanricarde, Marquess of
Irish Church, Comm. Preamble, 742; *cl.* 2, 744; *cl.* 26, 999; *cl.* 27, 1021; *cl.* 28, 1025; *cl.* 33, 1156; *cl.* 45, 1164; *cl.* 68, 1236, 1249; Report, Amendt. 1504, 1507

Clarendon, Earl of (Secretary of State for Foreign Affairs)
Irish Church, 2R. 27, 28

Clay, Mr. J., *Kingston-on-Hull*
Regina *v.* Overend, Gurney, & Co. 994

**Clerk of Assize Bill**
(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
*c.* Ordered; read 1º* *July* 8 [Bill 203]

Cleveland, Duke of
Bishops Resignation, 2R. 1742
Irish Church, 2R. 60; Comm. *cl.* 27, 1000; *cl.* 28, Amendt. 1026; *cl.* 68, 1239; Report, 1512
Parliament—Order in the House, 405

Cogan, Right Hon. W. H. F., *Kildare Co.*
Metropolis—St. Marylebone Workhouse School, 944

Colchester, Lord
Irish Church, 2R. 96; Comm. *cl.* 13, Amendt. 884, 885; Report, Amendt. 1493

Colebrooke, Sir T. E., *Lanarkshire, S.*
Annuity Tax (Edinburgh), 2R. 862
Endowed Hospitals, &c. (Scotland), Comm. 158

Coleridge, Sir J. D., *see* Solicitor General, The

Collier, Sir R. P., *see* Attorney General, The

Collins, Mr. T., *Boston*
Assessed Rates, Comm. *cl.* 1, 397; *add. cl.* 535; Consid. 1086
Cattle Disease (Cheshire), Res. 1817
Dublin Freemen, Leave, 951
Imprisonment for Debt, Comm. *cl.* 5, 574
Irish Church, Lords' Amendts. 1987
Marriage with a Deceased Wife's Sister, Instruction, 467
Prisoners (Political Offences), Res. 818
Registration of Voters, 1887
Sunday and Ragged Schools, Comm. 465
University Tests, Comm. *cl.* 1, 789

**Common Law Courts (Ireland) Bill**
*c.* Bill withdrawn* *June* 21 [Bill 74]

**Companies Clauses Act (1863) Amendment Bill** (*Mr. Goldney, Mr. Eykyn*)
*c.* Committee*; Report *June* 22 [Bill 138]
Read 3º* *June* 23
*l.* Read 1ª* (*The Earl of Devon*) *June* 24
Read 2ª* *July* 5 (No. 147)
Committee* *July* 15

Conolly, Mr. T., *Donegal Co.*
Irish Church, Lords' Amendts. 1985

**Contagious Diseases (Animals) (No. 2) Bill**
(*Mr. Dodson, Mr. W. E. Forster, Mr. Secretary Bruce*)
*c.* Committee*—r.p. *July* 2 [Bill 103]
Committee—r.p. *July* 6, 1271
Committee—r.p. *July* 9, 1528
Committee; Report *July* 13, 1755 [Bill 212]

**Contagious Diseases Prevention (Metropolis) Bill** (*The Marquess Townshend*)
*l.* Presented; read 1ª* *July* 8 (No. 176)

Corbett, Colonel E., *Shropshire, S.*
Contagious Diseases (Animals), Comm. *cl.* 63, 1531
Elections (Wales), Res. 1327

**Corn and Grain Measurement Bill**
(*Mr. Henry B. Sheridan, Mr. Goldney*)
*c.* Ordered; read 1°* *June* 23 [Bill 177]

Corrance, Mr. F. S., *Suffolk, E.*
Assessed Rates, Comm. *cl.* 1, 391, 393; *cl.* 4, 526
Contagious Diseases (Animals), Comm. *cl.* 27, 1293; *cl.* 64, 1535

**County Coroners Bill**
(*Mr. Goldney, Mr. Thomas Chambers, Mr. Pease*)
*c.* Re-comm.—R.P. *July* 14 [Bill 135]

*County Court Judges* (*Salaries*)
Moved, "That, having regard to the Admiralty Act of last Session, by virtue of which an entirely new jurisdiction has been conferred upon certain County Courts, and to the Bankruptcy Bill, under which the district County Courts will take the place and perform the functions of the district Bankruptcy Courts, and with a view to secure efficiency in the office of County Court Judge, in the opinion of this House it is expedient that the judges upon whom the new duties and responsibilities may be imposed should receive an additional remuneration of £300 a year" (*Mr. Hibbert*) *June* 29, 816; after debate, Question put; A. 56, N. 102; M. 46

**County Courts (Admiralty Jurisdiction) Act (1868) Amendment Bill**
(*Mr. Norwood, Mr. Headlam, Mr. Candlish*)
*c.* Read 2°* *June* 22 [Bill 121]
Committee*; Report *June* 30
Read 3°* *July* 5
*l.* Read 1ª* (*The Lord Houghton*) *July* 6 (No. 173)

**Court of Common Pleas (County Palatine of Lancaster) Bill**
(*The Lord Dufferin*)
*l.* Read 2ª* *July* 1 (No. 79)
Committee* *July* 13 (No. 186)
Report* *July* 15

**Court of Session Act (1868) Amendment Bill.** (*The Lord Advocate, Mr. Secretary Bruce, Mr. Solicitor General for Scotland*)
*c.* Read 2°* *June* 17 [Bill 145]
Committee*; Report *June* 28
Read 3°* *June* 29
*l.* Read 1ª* (*The Earl of Morley*) *July* 1 (No. 164)

Courtown, Earl of
Irish Church, Comm. *cl.* 2, 752; *cl.* 16, Amendt. 922; *cl.* 39, 1158; *cl.* 19, 1265

**Courts of Justice Salaries and Funds Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Ayrton*)
*c.* Read 2°* *June* 25 [Bill 96]
Committee*; Report *June* 29
Considered* *July* 15 [Bill 218]

*Courts of Justice—The New*
Moved, That a Select Committee be appointed "to inquire into the site and charge of the New Courts of Law" (*Mr. Gladstone*) *June* 22, 458; after short debate, Motion agreed to; List of the Committee, 463

Cowper, Right Hon. W. F., *Hampshire, S.*
Supply—Consular Buildings, &c. 1471
Probate Court and Registries, Amendt. 1210
Public Offices Site, 1206, 1209
Royal Parks, &c. 656, 661

Craufurd, Mr. E. H. J., *Ayr, &c.*
Parochial Schools (Scotland), 2R. 1731
Supply—Stationery Office, 1700
Works, &c. Amendt. 1709

Crawford, Mr. R. W., *London*
Electric Telegraphs, Comm. 1224
House Tax, Res. 1805
Parliament—Morning Sittings, 1187
Public Business, 1669
Supply—Royal Parks, &c. 673

Crichton, Viscount, *Enniskillen*
Party Processions (Ireland), 1589

Criminal Law
*Conviction of Felony, Law of Forfeiture on,* Question, Mr. C. Forster; Answer, The Attorney General *July* 9, 1542
[See *Prisoners—*(*Political Offences*)
*Still-Born Children*, Question, Dr. Brewer; Answer, Mr. Bruce *July* 14, 1819

**Criminal Lunatics Bill** (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1°* *June* 22 [Bill 172]

Croft, Sir H. G. D., *Herefordshire*
Bridges, Repair of, 1886

Cross, Mr. R. Assheton, *Lancashire, S.W.*
French Treaty, Motion for a Committee, 337
Imprisonment for Debt, Consid. *cl.* 5, 762
Irish Church, Lords' Amendts. 1919, 1942
Marriage with a Deceased Wife's Sister, Instruction, 470
Prisoners (Political Offences), Res. 817, 818

*Custom House—Clearing Vessels*
Question, Mr. Graves; Answer, Mr. Ayrton *July* 13, 1754

*Customs, "Writers" in the*
Question, Captain Grosvenor; Answer, Mr. Ayrton *June* 28, 624

Dalglish, Mr. R., *Glasgow*
Parochial Schools (Scotland), 2R. 1734

Dalhousie, Earl of
Irish Church, 2R. 287; Comm. Preamble, 724

Dalrymple, Mr. C., *Buteshire*
Parochial Schools (Scotland), 2R. 1736

Dalrymple, Mr. D., *Bath*
Contagious Diseases (Animals), Comm. *cl.* 63, 1533
Imprisonment for Debt, Comm. *cl.* 4, 426
Regina *v.* Overend, Gurney, & Co. 977

Davison, Mr. J. R., *Durham* (*City*)
Assessed Taxes, Comm. *cl.* 1, 382

Dawson, Mr. R. Peel-, *Londonderry Co.*
Ireland—Seditious Language in the Queen's Colleges, 517
Medical Officers Superannuation (Ireland), 2R. 489

**Debts of Deceased Persons Bill**
(*Mr. Hinde Palmer, Mr. Locke King, Mr. Headlam*)
*c.* Read 2°* *June* 22 [Bill 165]
Committee*; Report *June* 29
Considered* *June* 30
Read 3°* *July* 1
*l.* Read 1a* (*The Lord Romilly*) *July* 2 (No. 169)

De Grey and Ripon, Earl (Lord President of the Council)
Education of Children, 2R. Amendt. 1738
Endowed Schools, 2R. 607, 623; Comm. 1872, 1873; *cl.* 8, 1875; *cl.* 12, 1876; *cl.* 14, 1877; *cl.* 15, 1880, 1881, 1882; *cl.* 20, 1883; *cl.* 30, 1884; *cl.* 42, 1885
Irish Church, Comm. *cl.* 12, 872; *cl.* 13, 878; *cl.* 26, 1000; Report, 1492; 3R. 1619, 1620

Delahunty, Mr. J., *Waterford City*
Money Laws (Ireland), 2R. 471, 485

De la Warr, Earl
Endowed Schools, Comm. *cl.* 30, 1883

Denbigh, Earl of
Irish Church, Comm. 686; *cl.* 28, 1076; Report, 1513; 3R. 1657

Denison, Right Hon. J. E. (*see* Speaker, The)

Denman, Lord
Assessed Rates, 2R. 1751
Irish Church, Comm. *cl.* 2, 746; *cl.* 13, 882, 886; 3R. 1619
Life Peerages, 3R. 1396, 1400

Denman, Hon. G., *Tiverton*
Bankruptcy, Comm. *cl.* 130, 326, 328
Coventry Election, Motion for a Committee, 1334
Dublin Freemen Commission, 2R. 1182
South Sea Islands—Slave Trade from the, 648
University Tests, Comm. *add. cl.* 1102

Dent, Mr. J. D., *Scarborough*
Assessed Rates, Comm. *cl.* 6, Amendt. 533
Contagious Diseases (Animals), Comm. *cl.* 67, 1539; *cl.* 73, 1541; *cl.* 101, 1764
Supply—House of Commons Offices, 1476

Derby, Earl of
Bright, Mr., Letter of, 16
Irish Church, 2R. 18, 27, 28, 36, 37, 48; Comm. *cl.* 13, 878; *cl.* 14, 891; *cl.* 18, 923, 924; Report, 1521; 3R. 1614, 1620

De Ros, Lord
Irish Church, Comm. *cl.* 29, 1125

Derry, Bishop of
Irish Church, Comm. *cl.* 14, 891, 912; *cl.* 29, 1131

Devon, Earl of
Irish Church, 3R. Amendt. 1614

Devonshire, Duke of
Irish Church, 2R. 76

Dickinson, Mr. S. S., *Stroud*
Real Estate Intestacy, 2R. 1828

Dilke, Sir C. W., *Chelsea*
Assessed Rates, Consid. Amendt. 1084
China—Tien-tsin, Treaty of, Motion for Papers, 1796
Trades Unions, 2R. 1373

Dillwyn, Mr. L. L., *Swansea*
Supply—Chapter House, Westminster, 1209
  Furniture, Public Departments, 678
  House of Commons Offices, 1478
  Houses of Parliament, 684; Report, Amendt. 1429
  Patent Office, 1685, 1686
  Public Buildings, 675
  Public Offices Site, 1204
  Royal Palaces, 654
  Royal Parks, &c. 656
  Treasury, &c. Departments, 1478

**Diplomatic Salaries, &c. Bill**
(*The Earl of Clarendon*)
*l.* Read 2a* *June* 25 (No. 128)
Committee* *July* 13
Report* *July* 15

Disraeli, Right Hon. B., *Buckinghamshire*
Irish Church, Lords' Amendts. 1892, 1910, 1954, 1987, 1993

Dixon, Mr. G., *Birmingham*
Assessed Rates, Comm. *cl.* 1, 392, 397; *cl.* 13, Amendt. 534; Consid. 1086
Bankruptcy, Comm. *cl.* 130, 315
Poor Law, Res. 438

Dodds, Mr. J., *Stockton*
Contagious Diseases (Animals), Comm. *cl.* 7, Amendt. 1768
Supply—Harbours of Refuge, 1457

Dodson, Mr. J. G. (Chairman of the Committee of Ways and Means), *Sussex, E.*
Assessed Rates, Comm. *cl.* 1, 369, 391
Contagious Diseases (Animals), Comm. *cl.* 96, 1761, 1762
Imprisonment for Debt, Comm. *cl.* 4, 423; *cl.* 14, 580
Supply—Office of Woods, &c. 1704
Royal Parks, 656
University Tests, Comm. *cl.* 1, 788, 789

Downing, Mr. McCarthy, *Cork Co.*
Ireland—Jury Panel (Monaghan), 1343
Medical Officers Superannuation (Ireland), 2R. 498
Party Processions (Ireland), 1588
Prisoners (Political Offences), Res. 811

Dowse, Mr. Serjeant R., *Londonderry Bo.*
Contagious Diseases (Animals), Comm. *cl.* 63, 1534
Supply—Public Works (Ireland), 1462
Stationery Office, 1698

**Drainage and Improvement of Lands (Ireland) Act (1863) Amendment Bill**
(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
*c.* Ordered; read 1° * *July* 9 [Bill 208]
Read 2° * *July* 15

**Drainage and Improvement of Lands (Ireland) Supplemental Bill**
(*The Lord Dufferin*)
*l.* Read 2ª * *June* 18 (No. 39)
Committee *; Report *June* 21
Read 3ª * *June* 22

**Drainage and Improvement of Lands Ireland (Supplemental) (No. 2) Bill**
(*Mr. Ayrton, Mr. Glyn*)
*c.* Read 3° * *June* 17 [Bill 158]
*l.* Read 1ª * (*The Lord Dufferin*) *June* 18 (No. 136)

Dublin, Archbishop of
Irish Church, Comm. *cl.* 12, 871; *cl.* 14, Amendt. 917; *cl.* 15, 919; *cl.* 45, Amendt. 1164; *cl.* 19, 1262; 3R. Amendt. 1659

**Dublin Freemen Commission Bill**
(*Mr. Attorney General for Ireland, Mr. Chichester Fortescue*)
*c.* Moved, "That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of corrupt practices amongst the Freemen Electors of the City of Dublin" (*Mr. Attorney General for Ireland*) *June* 29, 819
After short debate, Moved, "That the Debate be now adjourned" (*Colonel Taylor*); A. 52, N. 100; M. 48
Question again proposed; Moved, "That this House do now adjourn" (*Viscount Galway*); after further short debate, Motion withdrawn; Debate adjourned
Adjourned Debate [29th June] resumed *July* 1, 950
After debate, Question put; A. 239, N. 136; M. 103
Bill ordered; read 1° * [Bill 189]
Moved, "That the Bill be now read 2°" *July* 5, 1174
Amendt. to leave out "now," and add "upon this day three months" (*Sir Frederick W. Heygate*); after short debate, Question put, "That 'now,' &c.;" A. 246, N. 126; M. 120; main Question put, and agreed to; Bill read 2°

**Dublin Freemen Disfranchisement Bill**
(*Sir George Grey, Mr. O'Reilly, Mr. Whitbread*)
*c.* Ordered; read 1° * *June* 17 [Bill 168]

Duff, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
Army Estimates—Army Administration, 148
Army—Medals for Service in India, 625
Central Asia, 1565
India—Questions, &c.
Appeals, 1424
Auditor General of Accounts, 357
Fisheries, 357
Home Accounts, 118
Medal for Bhootan, 1424
Morar—Barracks at, 1418
Railways, 1424
India—East India (Home Accounts), Motion for Papers, 1329

Dufferin, Lord (Chancellor of the Duchy of Lancaster)
Ireland—Portadown Inquest, 1737
Irish Church, Comm. *cl.* 29, 1129; *cl.* 46, 1165; *add. cl.* 1259; Report, 1491

Dunraven, Earl of
Irish Church, 3R. 1641

Dunsany, Lord
Irish Church, Comm. *cl.* 25, Amendt. 997; *cl.* 26, 1000; *cl.* 28, Amendt. 1024; *cl.* 29, 1137

Dyott, Colonel R., *Lichfield*
Assessed Rates, Consid. *add. cl.* 1082
Contagious Diseases (Animals), Comm. *cl.* 90, 1757; *cl.* 101, 1764
Poor Law—Magistrates and Boards of Guardians, 119

Eastwick, Mr. E. B., *Penryn, &c.*
Barking, Mortality at, 514
*Central Asia, 1544

[*cont.*

EATON, Mr. H. W., *Coventry*
French Treaty, Motion for a Committee, 335

**Ecclesiastical Courts Bill**
(*The Earl of Shaftesbury*)
*l.* Report * *July* 15 (No. 191)

**Ecclesiastical Dilapidations (No. 2) Bill**
(*The Lord Archbishop of York*)
*l.* Read $2^{a}$ * *June* 24 (No. 82)
Committee *; Report *June* 25 (No. 152)

*Ecclesiastical Titles*
Question, Mr. MacEvoy; Answer, Mr. Gladstone *July* 5, 1169

**Ecclesiastical Titles Bill**
(*Mr. MacEvoy, Mr. William Gregory, Sir Rowland Blennerhassett, Mr. Corbally*)
*c.* Bill withdrawn * *July* 5 [Bill 13]

**Education of Children Bill**
(*The Marquess Townshend*)
*l.* Moved, "That the Bill be now read $2^{a}$" *July* 13, 1738 (No. 88)
Amendt. to leave out ("now") and insert ("this day three months") (*The Lord President*); on Question, That ("now,") &c.; resolved in the negative; Bill to be read $2^{a}$ on this day three months

EGERTON, Hon. W., *Cheshire, Mid.*
Cattle Disease (Cheshire), Res. 1816
Contagious Diseases (Animals), Comm. *cl.* 63, 1535

EGERTON, Mr. E. C., *Cheshire, E.*
Cattle Plague (Cheshire), Res. 1810
Contagious Diseases (Animals), Comm. *cl.* 67, 1537

*Egypt*
*Société Industrielle et Agricole d'Egypte*, Question, Mr. Sidebottom; Answer, Mr. Otway *July* 5, 1167
*Suez Canal*, Question, Mr. Gourley; Answer, Mr. Otway *July* 12, 1664

ELCHO, Lord, *Haddingtonshire*
Annuity Tax (Edinburgh), 2R. 857
Feed Stuffs and Manures, Res. 965
South Kensington Museum, 570

ELECTION INQUIRIES
*l.* *Reports of Judges on*, The Queen's Answers to Addresses—Sligo Borough Election, Bridgwater Election, Norwich Election, Beverley Election, and Cashel Election—reported *June* 21, 355
*l.* Bridgwater Election, Beverley Election, Cashel Election, Sligo Borough Election, and Norwich Election, reported *June* 22, 447
*Coventry Election*, Moved, "That the Petition of Charles Flint and others [presented 10th June], relating to the Coventry Election Petition Inquiry, be printed with the Votes" (*Mr. Bouverie*) *July* 1, 995; after debate, Question put, and negatived

[*cont.*

ELECTION INQUIRIES—*cont.*
Moved, "That a Select Committee be appointed to inquire into the allegations of the Petition of Charles Flint and others [presented 10th June], respecting the late inquiry into the Election of Members for the City of Coventry, and to report their opinion as to what proceedings, if any, should be taken thereon" (*Mr. Bouverie*) *July* 6, 1330; after short debate, Question put, and negatived

*Elections* (*Wales*)
Moved, "That, in the opinion of this House, the proceedings of certain landlords in Wales towards their tenants on account of the free exercise of the Franchise at Elections are oppressive and unconstitutional, and an infringement of the rights conferred by Parliament on the people of this country" (*Mr. Henry Richard*) *July* 6, 1294; after long debate, Motion withdrawn

**Electric Telegraphs Bill**
(*Mr. Dodson, The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Ayrton*)
*c.* Considered in Committee *July* 5, 1214; Resolutions agreed to
Resolutions reported; Bill ordered; read $1^{o}$ * *July* 6 [Bill 197]

ELLIOT, Mr. G., *Durham, N.*
Supply—Poor Law Commission, 1689

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Agricultural Returns, Res. 836
Contagious Diseases (Animals), Comm. *cl.* 15, 1271; *cl.* 122, 1766
Game Laws (Scotland) [Mr. M'Lagan], 2R. 503
Greenwich Hospital, Comm. 565
Money Laws (Ireland), 2R. 485
Ryde Pier, 358

ELY, Bishop of
Endowed Schools, 2R. 615; *cl.* 15, 1881; *cl.* 19, Amendt. 1882; *cl.* 20, Amendt. 1883
Irish Church, Comm. *cl.* 29, 1151

*Emigration to Western Australia*
Question, Mr. Alderman J. C. Lawrence; Answer, Mr. Monsell *July* 5, 1166

**Endowed Hospitals, &c. (Scotland)** (*re-committed*) **Bill** (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*The Lord Advocate*) *June* 17, 150
Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Dr. Lyon Playfair*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," agreed to; Committee; Report [Bill 124]
Considered * *June* 28
Read $3^{o}$ * *July* 5
*l.* Read $1^{a}$ * (*The Earl of Morley*) *July* 6 (No. 175)

*Endowed Schools Bill*
*Betten's Charity*, Question, Mr. Pell; Answer, Mr. W. E. Forster *June* 21, 356
*Commissioners and Secretary, The*, Question, Mr. Neville-Grenville; Answer, Mr. Gladstone *June* 24, 516

**Endowed Schools Bill**
(*Mr. W. E. Forster, Mr. Secretary Bruce*)
*c.* Considered* *June* 17 [Bill 163]
Read 3º* *June* 18
*l.* Read 1ª* (*The Lord President*) *June* 22 (No. 139)
Moved, "That the Bill be now read 2ª" *June* 28, 607; after debate, Bill read 2ª
Moved, "That the House do now resolve itself into a Committee" *July* 15, 1866; after debate, Committee, 1875 (No. 192)

ENFIELD, Viscount, *Middlesex*
Hounslow Powder Mills, 515

ERSKINE, Vice Admiral J. E., *Stirlingshire*
South Sea Islands—Slave Trade from the, 646

EWING, Mr. A. Orr, *Dumbarton*
*Annuity Tax (Edinburgh), 2R. 846

EWING, Mr. H. E. CRUM- *Paisley*
Contagious Diseases (Animals), Comm. *cl.* 122, 1765
French Treaty, Motion for a Committee, 348

*Exchequer and Audit Act of* 1866
Observations, Mr. Hunt; Reply, Mr. Candlish; short debate thereon *July* 5, 1190

**Exchequer Bonds (£2,300,000) Bill**
(*The Marquess of Lansdowne*)
*l.* Read 2ª* *June* 17
Committee*; Report *June* 18
Read 3ª* *June* 21
Royal Assent *June* 24 [32 & 33 *Vict.* c. 22]

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

EYKYN, Mr. R., *Windsor*
Betting Houses, 514
Marriage with a Deceased Wife's Sister, Instruction, 470
Regina v. Overend, Gurney, & Co. 821, 823, 975

*Faraday, Proposed Monument to*
Question, Dr. Lyon Playfair; Answer, The Chancellor of the Exchequer *July* 5, 1173

FAWCETT, Mr. H., *Brighton*
Agricultural Labourers, Res. 582, 606
Civil Offices (Pensions), Consid. *add. cl.* 537, 539, 545, 549; *cl.* 3, Amendt. 551; *cl.* 6, 552
Irish Church, Lords' Amendts. 1949
Regina v. Overend, Gurney, & Co. 823, 978, 980, 995, 1194, 1198, 1200
University Tests, Comm. *add. cl.* 1099, 1104

*Feed Stuffs and Manures*
Amendt. on Committee of Supply *July* 1, To leave out from "That," and add "in the opinion of this House, it is desirable that the attention of the Board of Trade should be directed to the adulteration of feed stuffs and manures" (*Lord Elcho*), 965; after short debate, Question, "That the words, &c.;" put, and agreed to

**Fine Arts Copyright Consolidation and Amendment (No. 2) Bill**
(*The Lord Westbury*)
*l.* Report of Select Comm. *June* 29 (No. 51)
Report of Select Comm. *July* 9 (No. 181)

**Fines and Fees Collection Bill**
(*Mr. Hunt, Mr. Sclater-Booth, Mr. Staveley Hill*)
*c.* Read 2º* *June* 18 [Bill 159]
Committee*; Report *June* 22
Re-comm.*; Report *June* 25 [Bill 171]
Considered* *June* 25
Read 3º* *June* 25
*l.* Read 1ª* (*The Duke of Richmond*) *June* 28 (No. 155)

*Fire Insurance Duty*
Question, Mr. H. Beaumont; Answer, The Chancellor of the Exchequer *July* 5, 1168

**Fisheries (Ireland) Bill**
(*Mr. Chichester Fortescue, Mr. Attorney General for Ireland*)
*c.* Ordered; read 1º* *July* 1 [Bill 190]
Read 2º* *July* 5

FITZWALTER, Lord
Irish Church, Comm. *cl.* 41, Amendt. 1159

FORDYCE, Mr. W. D., *Aberdeenshire, E.*
Game Laws (Scotland) [Mr. M'Lagan], 502

*Foreign Office—Unpaid Attachés*
Amendt. on Committee of Supply *July* 12, To leave out from "That," and add "in the opinion of this House, the unpaid Attachés in the Diplomatic Service are entitled to salaries equal to those now given to the Junior Clerks in the Foreign Office" (*Mr. William Lowther*), 1672; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

FORSTER, Mr. C., *Walsall*
Assessed Rates, Comm. *cl.* 1, 371; *add. cl.* 534
Law of Forfeiture on Conviction of Felony, 1542

FORSTER, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Betten's Charity, 356
Cattle Disease, 949;—in Roumania, 1081
Contagious Diseases (Animals), Comm. *cl.* 15, 1271, 1272, 1282, 1288, 1290; *cl.* 16, 1292; *cl.* 22, 1292; *cl.* 27, 1293; *cl.* 34, 1293; *cl.* 45, 1294, 1528; *cl.* 54, *ib.*; *cl.* 63, 1530, 1532; Amendt. 1533, 1534, 1535; *cl.* 64, *ib.*; *cl.* 67, 1537, 1539, 1540; *cl.* 73, *ib.* Amendt. 1541; *cl.* 88, Amendt. *ib.*; *cl.* 90, 1757, 1758, 1759;
[*cont.*

Forster, Right Hon. W. E.—*cont.*
*cl.* 96, 1761; *cl.* 98, 1762, 1763; *cl.* 101, 1764; *cl.* 7, 1766; *add. cl.* 1769, 1770, 1771, 1772, 1773, 1774
Education Votes, 515
Endowed Hospitals, &c. (Scotland), Comm. 158
South Kensington Museum, 570
Trades Unions, 2R. 1385

Fortescue, Earl
Endowed Schools, 2R. 620; Comm. *cl.* 14, 1878

Fortescue, Right Hon. Chichester S. (Chief Secretary for Ireland), *Louth Co.*
Dublin Freemen Commission, 2R. 1177
Ireland—Questions, &c.
Anketell, Mr., Murder of, 351
Clerk of the Crown for King's County, 1422
Dundalk and Louth, Proclamation of, 1666
Firearms, Use of, by the Irish Constabulary, 1668
Londonderry, Proclamation of, 1668
Orangeism, 360
Portadown, Riots at, 1170, 1171, 1665, 1666
Roscommon and Galway Lunatic Asylum, 313
Seditious Language in the Queen's Colleges, 517
Irish Church, Lords' Amendts. 1949; Amendt. 1958, 1977
Medical Officers Superannuation (Ireland), 2R. 497
Party Processions (Ireland), 2R. 864, 868, 1590

Fothergill, Mr. R., *Merthyr Tydvil*
Regina v. Overend, Gurney, & Co. 977

Fowler, Mr. R. N., *Penryn, &c.*
Cape of Good Hope—Boers of the Trans-Vaal Republic, 1342
Regina v. Overend, Gurney, & Co. 993
Supply—Houses of Parliament, 683

Fowler, Mr. W., *Cambridge Bo.*
Real Estate Intestacy, 2R. 1842
South Sea Islands—Slave Trade from the, 645
Supply—Embassy Houses Abroad, 1464
Furniture, Public Departments, 678
House of Commons Offices, 1477
University Tests, Comm. *add. cl.* 1102

*France—The Commercial Treaty*
Amendt. on Committee of Supply *June* 18, To leave out from "That," and add "a Select Committee be appointed to inquire into and report upon the operation of the Commercial Treaty with France, ratified the 13th day of January 1860, and particularly as it affects the Silk Manufacture in this Country" (*Mr. Staveley Hill*), 329; Question proposed, "That the words, &c.;" after debate, Question put; A. 155, N. 101; M. 54

French, Right Hon. Colonel F., *Roscommon Co.*
Dublin City Writ, 133
Ireland — Roscommon and Galway Lunatic Asylum, 313
Salmon Passes on the Shannon, 648
Irish Church, Lords' Amendts. 1907

*Friendly Societies' Returns*
Question, Mr. W. Lowther; Answer, Mr. Bruce *June* 25, 571

Gallwey, Sir W. P., *Thirsk*
Supply—Works, &c. 1708

Galway, Viscount, *Retford (East)*
Dublin Freemen, Leave, Motion for Adjournment, 820
Trades Unions, 2R. 1378

**Game Laws (Scotland) Bill**
(*Mr. M'Lagan, Mr. Fordyce, Mr. Orr Ewing*)
*c.* Moved, "That the Bill be now read 2°" *June* 23, 499; after short debate, Bill withdrawn [Bill 32]

Garlies, Lord, *Wigtownshire*
Army—Armament of Sea and Land Defences, 141

Gilpin, Colonel R. T., *Bedfordshire*
Irish Church, Lords' Amendts. Motion for Adjournment, 1986, 1987

Gilpin, Mr. C., *Northampton Bo.*
Assessed Rates, Comm. *add. cl.* 535
Civil Offices (Pensions), Consid. 551
Regina v. Overend, Gurney, & Co. 983
Supply—Poor Law Commission, 1691
Royal Parks, &c. 663

Gladstone, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
Assessed Rates, Comm. *cl.* 1, 379, 390, 394; *cl.* 4, 527
Audit of Public Accounts, 631
Bankruptcy, Comm. *cl.* 130, 321, 328, 329
Bright, Mr., Letter of, 121
Canada—Railway Loan, Res. 1452
Cattle Disease (Cheshire), Res. 1817
Central Asia, 1580
Civil Offices (Pensions), Consid. 539, 542, 548; *cl.* 3, 552; *cl.* 6, Amendt. 553
Dublin Freemen, Leave, 820
Endowed Schools, 516
Gladstone, Mr., and the Independent Orange Association, 1890
Irish Church, Lords' Amendts. 1891; Amendt. 1897, 1916, 1924; Amendt. 1946, 1948, 1952, 1953; Amendt. 1955; Amendt. 1959, 1960; Amendt. 1961, 1963, 1964; Amendt. 1965, 1976, 1977; Amendt. 1978, 1986, 1993
Law Courts, New, Motion for a Committee, 458, 463
Local Museums, 946
Marriage with a Deceased Wife's Sister, Instruction, 462
Parliament—Public Business, 1669
Parliament—Insufficient Accommodation of the House, Res. 964
Regina v. Overend, Gurney, & Co. 987
Representation of Minorities, 124
Sunday and Ragged Schools, Comm. 464, 466
Supply—Houses of Parliament, Report, 1438
Stationery Office, 1698
United States—Recent Negotiations with, 1425
University Tests, Comm. *cl.* 6, 796

GLADSTONE, Mr. W. H., *Whitby*
University Tests, Comm. 780

GLOUCESTER and BRISTOL, Bishop of
Bishops Resignation, 2R. 1743
Endowed Schools, 2R. 621; Comm. *cl.* 15, 1882
Irish Church, Comm. *cl.* 2, 749; *cl.* 28, 1033; *cl.* 69, 1261; Report, Amendt. 1488

GOLDNEY, Mr. G., *Chippenham*
Assessed Rates, Comm. *cl.* 1, 385, 386, 394
Metropolis—New Public Offices, 1669
Real Estate Intestacy, 2R. 1845
Sunday and Ragged Schools, Comm. 465
Supply—Board of Trade, 1682
Burlington House, Amendt. 1213
Charity Commission, 1683
Home Office, &c. Departments, 1480
House of Lords Offices, 1476
Land, New Palace, Westminster, 679
Office of Woods, &c. 1703
Probate Court and Registries, 1211
Public Offices Site, 1201, 1203, 1204, 1208
Royal Palaces, 653
Royal Parks, &c. Amendt. 665, 673
Tithe Commission, 1684
Works, &c. 1707

GOSCHEN, Right Hon. G. J. (Chief Commissioner of the Poor Law Board), *London*
Assessed Rates, Comm. *cl.* 1, 372, 383, 385, 386, 390, 392, 396, 397, 398; *cl.* 4, 520, 524, 528; Amendt. 529, 531; *cl.* 6, Amendt. 533; *add. cl.* 534, 535, 536; Consid. *add. cl.* 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089
Catholic Children in Workhouses, 1419
Metropolis—St. Marylebone Workhouse, 944
St. Pancras Workhouse, 1754, 1820
Poor Law—Magistrates and Boards of Guardians, 120
Vagrants in Sacks—Narberth Union, 308, 1890
Poor Law—Removal of Children, Res. 1337, 1340
Supply—Poor Law Commission, 1689, 1692
Valuation of Property (Metropolis), Comm. *cl.* 11, 1482, 1483; *cl.* 53, Amendt. 1483

GOUGH, Viscount
Irish Church, Report, Amendt. 1503; 3R. Amendt. 1660

GOURLEY, Mr. E. T., *Sunderland*
Egypt—Suez Canal, 1664

**Government of India Act Amendment Bill**
*c.* Read 2°* *June* 21 [Bill 150]

**Governor General of India Bill**
*c.* Read 2°* *June* 21 [Bill 89]

GOWER, Hon. E. F. Leveson, *Bodmin*
Real Estate Intestacy, 2R. 1847

GRANARD, Earl of
Irish Church, Comm. *cl.* 13, 884; Report, 1499; 3R. 1640

GRANVILLE, Earl (Secretary of State for the Colonies)
Assessed Rates, 2R. 1752
Bright, Mr., Letter of, 10, 15, 16, 36
Ecclesiastical Titles, 1169
Endowed Schools, Comm. 1874
Furious Riding, Conviction for, 1106
Irish Church, 2R. 301, 353; Comm. 686; Preamble, 710, 730; *cl.* 2, 744; *cl.* 6, 753, 754; *cl.* 9, 759; *cl.* 11, 869; *cl.* 12, 870, 871; *cl.* 13, 874, 876, 883, 885; *cl.* 14, 890, 897, 902, 913, 916; *cl.* 16, 922; *cl.* 18, Amendt. 923; *cl.* 23, 940; *cl.* 25, 997; *cl.* 26, 999; *cl.* 27, 1007; *cl.* 28, 1025, 1048; *add. cl.* 1109; *cl.* 29, 1123, 1125, 1126, 1127; *cl.* 33, 1156; *cl.* 35, 1158; *cl.* 45, 1164; *cl.* 68, 1231, 1232, 1253; *cl.* 22, 1268; Preamble, *ib.*; Report, 1486, 1488; Amendt. 1490, 1491, 1494, 1495, 1511, 1517, 1518, 1521, 1524; 3R. 1614, 1651
Life Peerages, 3R. 1395
Parliament—Morning Sittings, 1188
Order in the House, 401, 408
Party Processions (Ireland), 1172
Poor in England and Wales, Motion for a Commission, 399

GRAVES, Mr. S. R., *Liverpool*
Assessed Rates, Consid. 1085
Clearing Vessels at the Custom House, 1754

GRAY, Sir J., *Kilkenny Bo.*
General Council of Medical Education, &c. 1269, 1270
Ireland—Orangeism, 359, 360
Medical Officers Superannuation (Ireland), 2R. 491
Party Processions (Ireland), 2R. 868

GREENE, Mr. E., *Bury St. Edmunds*
Imprisonment for Debt, Comm. *cl.* 4, 428
Murphy, Mr., the Protestant Lecturer, 124; —Arrest of, 411

**Greenwich Hospital Bill**
(*Mr. Trevelyan, Mr. Childers, Mr. Adam*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 24, 553
Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (*Mr. Liddell*); Question proposed, "That the words, &c.;" after short debate, Question put; A. 124, N. 43; M. 81; main Question, "That Mr. Speaker, &c.," agreed to; Committee; Report [Bill 105]
Read 3°* *June* 29
*l.* Read 1ª* (*The Earl of Camperdown*) *July* 1 (No. 165)

GREGORY, Mr. G. B., *Sussex, E.*
Agricultural Labourers, Res. 606
Bankruptcy, Comm. *cl.* 130, 316; *cl.* 131, 415; *add. cl.* 416, 417, 420
Contagious Diseases (Animals), Comm. *cl.* 15, 1271; *cl.* 34, Amendt. 1294; *cl.* 54, Amendt. 1528; *cl.* 67, Amendt. 1539
Imprisonment for Debt, Comm. *cl.* 4, 426; *cl.* (D) 12, 579
Insolvent Debtors and Bankruptcy Repeal, Comm. 1527
Real Estate Intestacy, 2R. 1848

Gregory, Mr. W. H., *Galway Co.*
Ireland—Salmon Passes on the Shannon, 651
Medical Officers Superannuation (Ireland), 2R. 490
Parliament—Morning Sittings, 1189
Supply—Houses of Parliament, Report, 1444
Industrial Museum, Edinburgh, 1212

Grey, Earl
Assessed Rates, 2R. 1751, 1752
Bright, Mr., Letter of, 17
Irish Church, Notice, 352; Comm. Preamble, Amendt. 689, 743; *cl.* 6, 753; *cl.* 12, 871; *cl.* 14, 915; *cl.* 28, 1025; *add. cl.* 1109; *cl.* 29, 1125, 1138, 1141; *cl.* 33, 1155; *cl.* 41, 1161; *cl.* 68, 1251, 1253; Report, 1493, 1509

Grey, Right Hon. Sir G., *Morpeth*
Dublin City Writ, 127, 130
Irish Church, Lords' Amendts. 1921

Grosvenor, Earl, *Chester City*
Cattle Plague (Cheshire), Res. 1807
Contagious Diseases (Animals), Comm. *cl.* 96, 1761

Grosvenor, Hon. Captain R. W., *Westminster*
South Eastern Railway, 355
"Writers" in the Customs, 624

Guest, Mr. A. E., *Poole*
Supply—Royal Parks, &c., Amendt. 658, 660

Gurney, Right Hon. Russell, *Southampton*
Bankruptcy, Comm. *cl.* 130, 320, 328
Civil Offices (Pensions), Consid. *cl.* 6, 553
Coventry Election, 995
Imprisonment for Debt, Comm. *cl.* 4, 429; *cl.* 5, 577

Hadfield, Mr. G., *Sheffield*
Assessed Rates, Comm. *cl.* 4, 527
Imprisonment for Debt, Consid. *cl.* 5, 762

Halifax, Viscount
Irish Church, Comm. *cl.* 28, 1044

Hamilton, Right Hon. Lord C., *Tyrone Co.*
Medical Officers Superannuation (Ireland), 2R. 498
Supply—Houses of Parliament, Report, 1444

Hamilton, Lord G. F., *Middlesex*
Hounslow, Explosion at, 1169
Kew Gardens, 124

Harcourt, Mr. W. Vernon, *Oxford City*
Assessed Rates, Comm. *cl.* 1, Amendt. 360, 379, 384, 392; *cl.* 4, Amendt. 519, 520, 528; *cl.* 5, 532; *add. cl.* 534, 535; Consid. *add. cl.* 1083
Dublin City Writ, 130
Irish Church, Lords' Amendts. 1984
Registration of Voters, 1887

Hardwicke, Earl of
Irish Church, Comm. *cl.* 28, 1052

Hardy, Right Hon. Gathorne, *Oxford University*
Annuity Tax (Edinburgh), 2R. 861
Bankruptcy, Comm. *cl.* 130, 318
Coventry Election, Motion for a Committee, 1332
Irish Church, Lords' Amendts. 1941, 1946, 1948, 1949, 1961, 1977, 1978
University Tests, Comm. *cl.* 3, 790; *cl.* 6, 794

Harrowby, Earl of
Bright, Mr., Letter of, 15
Endowed Schools, 2R. 619; Comm. *cl.* 15, 1881; *cl.* 30, 1884
Irish Church, Comm. *cl.* 14, 911; *cl.* 41, 1162; Report, 1491, 1495, 1521; 3R. 1644

Hartington, Right Hon. Marquess of (Postmaster General), *New Radnor*
Electric Telegraphs, Comm. 1214, 1225
Packet and Telegraph Contracts, Res. 1818

Hatherley, Lord (see Chancellor, The Lord)

Hay, Rear-Admiral Sir J. C. D., *Stamford*
Greenwich Hospital, Comm. Amendt. 563
Navy—Flying Squadron, 309
Supply—Consular Buildings, &c. 1473

Headlam, Right Hon. T. E., *Newcastle-upon-Tyne*
Contagious Diseases (Animals), Comm. *cl.* 15, 1271, 1277, 1291
Parliament—Insufficient Accommodation of the House, Res. 962
Supply—Houses of Parliament, Report, 1437
University Tests, Comm. *cl.* 1, 789

Henderson, Mr. J., *Durham (City)*
University Tests, Comm. *cl.* 1, 789

Henley, Lord, *Northampton Bo.*
Assessed Rates, Comm. *cl.* 1, 393; *cl.* 4, 531

Henley, Right Hon. J. W., *Oxfordshire*
Agricultural Labourers, Res, 604
Assessed Rates, Comm. *cl.* 1, 378, 379; Consid. 1087, 1088
Bankruptcy, Comm. *cl.* 130, 316
Cattle Disease (Cheshire), Res. 1811
Contagious Diseases (Animals), Comm. *cl.* 15, 1288; *cl.* 54, 1528; *cl.* 67, 1538, 1539; *cl.* 101, 1764
Dublin City Writ, 126
Dublin Freemen Commission, Leave, 960; 2R. 1183
Endowed Hospitals, &c. (Scotland), Comm. 161
Imprisonment for Debt, Comm. *cl.* 4, 425, 430; *cl.* 5, 577; *cl.* (D) 12, 579; *cl.* 18, 581
Marriage with a Deceased Wife's Sister, Instruction, 469

[*cont.*

HENLEY, Right Hon. J. W.—*cont.*
Real Estate Intestacy, 2R. 1859
Sunday and Ragged Schools, Comm. 466
Supply—Royal Parks, &c. 669
Trades Unions, 2R. 1386
University Tests, Comm. 772

HENNIKER-MAJOR, Hon. J. M., *Suffolk, E.*
Gladstone, Mr., and the Independent Orange Association, 1890

HERBERT, Right Hon. Major-General Percy E., *Shropshire, S.*
Army—Adjutancies of Militia, 140
Army Estimates—Army Administration, 147

HERBERT, Mr. H. A., *Kerry Co.*
Parliament—Ladies' Gallery, 120, 121; Res. 1582, 1588

**Heritable Rights Bill** (*The Lord Advocate, Mr. Solicitor General for Scotland*)
*c.* Ordered; read 1°* *July* 9 [Bill 204]
Read 2°* *July* 15

HERMON, Mr. E., *Preston*
Supply—Embassy Houses Abroad, 1465

HEYGATE, Sir F. W., *Londonderry Co.*
Dublin Freemen Commission, 2R. Amendt. 1174
Irish Church, Lords' Amendts. 1982
Money Laws (Ireland), 2R. Amendt. 476
Parliament—Insufficient Accommodation of the House, Res. 963

HIBBERT, Mr. J. T., *Oldham*
Assessed Rates, Comm. *cl.* 1, 383, 393, 397
Bankruptcy, Comm. *cl.* 130, 327; *add. cl.* 418
Contagious Diseases (Animals), Comm. *cl.* 67, 1539; *cl.* 101, 1763; *cl.* 7, 1768
Public Houses, &c. Res. 458
Supply—Embassy Houses Abroad, Amendt. 1466, 1468
  Home Office, &c. Departments, 1481
  Houses of Parliament, Report, 1444
  Public Works (Ireland), 1462

**High Constables Office Abolition, &c. Bill** (*Mr. Hunt, Mr. Sclater-Booth, Mr. Staveley Hill*)
*c.* Read 2°* *June* 18 [Bill 160]
Committee*; Report *June* 28
Re-comm.*; Report *July* 5 [Bill 195]
Considered* *July* 7
Read 3°* *July* 8
*l.* Read 1ª* (*The Duke of Buckingham and Chandos*) *July* 9 (No. 99)

HILL, Mr. A. Staveley, *Coventry*
Dublin City Writ, 133
French Treaty, Motion for a Committee, 329
Regina v. Overend, Gurney, & Co. 985

HOARE, Sir H. A., *Chelsea*
Assessed Rates, Comm. *cl.* 1, 376
Imprisonment for Debt, Comm. *cl.* 5, 574
Real Estate Intestacy, 2R. 1854
Representation of Minorities, 124

HOLMS, Mr. J., *Hackney*
Assessed Rates, Comm. *cl.* 1, 377; Consid. 1084

HOPE, Mr. A. J. Beresford, *Cambridge University*
Irish Church, Lords' Amendts. 1980
Marriage with a Deceased Wife's Sister, Instruction, Motion for Adjournment, 467, 470
Parliament — Insufficient Accommodation of the House, Res. 964
Parliament—Ladies' Gallery, Res. 1584
Real Estate Intestacy, 2R. Amendt. 1831
Supply—Chapter House, Westminster, 1209
  Houses of Parliament, Report, 1437
  Probate Court and Registries, 1211
University Tests, Comm. 776

HOSKYNS, Mr. C. W., *Hereford City*
Agricultural Returns, Res. 833
Army—Ordnance Survey, 946

HOUGHTON, Lord
Irish Church, Comm. *cl.* 13, 879; *cl.* 35, 1157; *cl.* 68, 1258; 3R. 1633

*Hounslow Powder Mills, Explosion at*
Question, Viscount Enfield; Answer, Mr. Bruce *June* 24, 515; Question, Lord George Hamilton; Answer, Mr. Bruce *July* 5, 1169

*House Tax*
Moved, "That the House Tax ought to be abolished because it imposes injurious and unnecessary restrictions upon the erection of dwellings for the Working Classes, and because the Tax presses very unequally upon different classes of the community, and falls most heavily upon persons of moderate income" (*Mr. Alderman W. Lawrence*) *July* 13, 1802; after short debate, Motion withdrawn

HOWARD, Mr. J., *Bedford*
Contagious Diseases (Animals), Comm. *cl.* 54, 1528; *cl.* 60, 1530; *cl.* 63, 1534

HUGHES, Mr. T., *Frome*
Bankruptcy, Comm. *cl.* 130, 317
Trades Unions, 2R. 1344

HUNT, Right Hon. G. W., *Northamptonshire, N.*
Bankruptcy, Comm. *cl.* 130, 325, 327, 328, 329
Canada—Railway Loan, Res. 1448, 1454
Contagious Diseases (Animals), Comm. *cl.* 15, 1287, 1288; Amendt. 1289
Dublin City Writ, 129
Electric Telegraphs, Comm. 1223
Exchequer and Audit Act of 1866, 1190
Supply—Houses of Parliament, Report, 1436, 1441, 1442, 1444
  Stationery Office, 1700
  Works, &c. 1707

**Imprisonment for Debt** (*re-committed*) **Bill**
(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer*)
*c.* Committee*—R.P. *June* 18 [Bill 98]
Committee—R.P. *June* 22, 421
Committee; Report *June* 25, 572 [Bill 179]
Considered *June* 29, 760
Read 3°* *July* 1
*l.* Read 1ª* (*The Lord Chancellor*) *July* 2
Read 2ª* *July* 8 (No. 168)

**Inam Lands Bill** [H.L.]
(*The Duke of Argyll*)
*l.* Presented; read 1ª* *June* 22 (No. 143)
Read 2ª* *June* 24
Committee*; Report *June* 25
Read 3ª* *June* 28
*c.* Read 1°* *July* 1 [Bill 193]
Read 2°* *July* 2
Committee*; Report *July* 6
Read 3°* *July* 7
Royal Assent *July* 12 [32 & 33 *Vict.* c. 29]

**Inclosure Awards (County Palatine of Durham) Bill** (*Mr. Bentinck, Sir Roundell Palmer, Mr. William Lowther*)
*c.* Committee*; Report *July* 12 [Bill 210]

INDIA
*Appeals*, Question, Sir Charles Wingfield; Answer, Mr. Grant Duff *July* 8, 1423
*Auditor General of Accounts*, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff *June* 21, 357
*Barracks at Morar*, Question, Sir David Wedderburn; Answer, Mr. Grant Duff *July* 8, 1418
*Bengal Bank, Bombay Branch*, Question, The Marquess of Salisbury; Answer, The Duke of Argyll *June* 24, 513
*Colonels in the Indian Army*, Question, Colonel North; Answer, Mr. Cardwell *July* 15, 1888
*East India* (*Home Accounts*), Question, Sir Stafford Northcote; Answer, Mr. Grant Duff *June* 17, 118
Moved, "That the Home Accounts of the Government of India [presented 10th May], be referred to the Committee of Public Accounts" (*Sir Stafford Northcote*) *July* 6, 1329; after short debate, Motion agreed to
*Fisheries*, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff *June* 21, 357
*Medal for Service in India*, Question, Mr. Kinnaird; Answer, Mr. Grant Duff *June* 28, 624; *July* 8, 1424
*Railways*, Question, Mr. Kinnaird; Answer, Mr. Grant Duff *July* 8, 1424
*Relief of Regiments in India*, Question, Mr. Stacpoole; Answer, Captain Vivian *July* 8, 1421

**Infant Life Preservation Bill**
(*The Marquess Townshend*)
*l.* Bill withdrawn *July* 13, 1739 (No. 89)

**Insolvent Debtors and Bankruptcy Repeal** (*re-committed*) **Bill**
(*Mr. Attorney General, Mr. Solicitor General*)
*c.* Read 2°* *June* 18 [Bill 134]
Committee*; Report *June* 25 [Bill 180]
Re-comm.; Report *July* 9, 1527
Considered* *July* 12
Read 3°* *July* 13
*l.* Read 1ª* (*The Lord Chancellor*) *July* 15 (No. 195)

*Insolvent Debtors and Bankruptcy Repeal* [*Re-payment of Unclaimed Dividends*]
Resolution reported *July* 9, 1526; after short debate, Resolution agreed to

IRELAND
*Anketell, Mr., Murder of*, Observations, Mr. Pollard-Urquhart; Reply, Mr. Chichester Fortescue *June* 18, 351
*Clerk of the Crown for King's County*, Questions, Sir Patrick O'Brien; Answers, Mr. Chichester Fortescue *July* 8, 1421
*Firearms, Use of, by the Irish Constabulary*, Question, Mr. Vance; Answer, Mr. C. Fortescue *July* 12, 1668
*Fishing Smacks, Seizure of*, Question, Mr. Blake; Answer, Mr. Ayrton; short debate thereon *July* 1, 948
*Gladstone, Mr., and the Independent Orange Association*, Question, Mr. Henniker-Major; Answer, Mr. Gladstone *July* 15, 1890
*Howth Harbour*, Question, Mr. Blake; Answer, Mr. Ayrton *July* 1, 947
*Irish Fisheries*, Question, Mr. Blake; Answer, Mr. Ayrton *June* 25, 571
*Jury Panel* (*Monaghan*), Question, Mr. Downing; Answer, The Attorney General for Ireland *July* 7, 1343
*Loans to Dublin and Belfast*, Question, Mr. W. Johnston; Answer, The Chancellor of the Exchequer *June* 17, 125
*Orangeism*, Question, Sir John Gray; Answer, Mr. Chichester Fortescue *June* 21, 359
*Party Processions* (*Ireland*) *Act*, Question, Sir Thomas Bateson; Answer, Mr. Gladstone *July* 5, 1172; Question, Mr. Downing; Answer, Mr. Chichester Fortescue; short debate thereon *July* 9, 1588
*Portadown, Riots at*, Questions, Mr. W. Verner, Mr. Vance, Sir James Stronge; Answers, Mr. Chichester Fortescue *July* 5, 1170; Question, Sir Thomas Bateson; Answer, Mr. Chichester Fortescue *July* 12, 1665;—*Inquest*, Observations, The Duke of Manchester; Reply, Lord Dufferin *July* 13, 1737
*Proclamation of Dundalk and Louth*, Question, Mr. Callan; Answer, Mr. Chichester Fortescue *July* 12, 1666
*Proclamation of Londonderry*, Question, Sir Hervey Bruce; Answer, Mr. Chichester Fortescue *July* 12, 1667
*Religious Disturbances*, Question, The Duke of Abercorn; Answer, Earl Spencer *July* 6, 1226
*Roscommon and Galway Lunatic Asylum*, Question, Colonel French; Answer, Mr. Chichester Fortescue *June* 18, 313
*Salmon Passes on the Shannon*, Question, Colonel French; Answer, Mr. Ayrton *June* 28, 648

[*cont.*

IRELAND—cont.
*Seditious Language in the Queen's Colleges of Galway and Belfast*, Question, Mr. Dawson; Answer, Mr. Chichester Fortescue *June* 24, 517

*Irish Church Bill*
*Bright, Mr., Letter of*, Question, Lord Cairns; Answer, Earl Granville *June* 17, 1; Question, Colonel North; Answer, Mr. Gladstone, 121

**Irish Church Bill**
(*The Earl Granville*)
*l.* Order for resuming Debate on Amendt. to Motion for Second Reading read *June* 17, 18; after long debate, further Debate adjourned
Adjourned Debate resumed *June* 18, 162; after long debate, on Question, That ("now,") &c.; Cont. 179, Not-Cont. 146; M. 33; resolved in the affirmative; Bill read $2^a$ (No. 109)
Division List, Cont. and Not-Cont., 305
Protest thereon (*The Earl of Clancarty*), 307
*Notice of Amendments*, Observations, Earl Grey; Reply, Earl Granville; short debate thereon *June* 21, 352
Moved, That the House do now resolve itself into a Committee upon the said Bill *June* 29, 686; after short debate, Committee; Title postponed
Then it was moved that the Preamble be postponed; which being objected to (*The Earl Grey*); resolved in the affirmative; Preamble postponed
Clause 1 (Short title), 743
Clause 2 (Dissolution of legislative union between churches of England and Ireland), 743
Clause 3 (Appointment of commissioners), 753
Clause 4 (Quorum of commissioners), 753
Clause 5 (Appointment of officers), 753
Clause 6 (Salaries and expenses), 753
Clause 7 (Powers of commissioners), 755
Clause 8 (Forms of application, and general rules), 759
Clause 9 (Duration of office, and restriction on sitting in Parliament), 759
Clause 10 (Prohibition of future appointments), 760

Committee *July* 1, 869
Clause 11 (Property of Ecclesiastical Commissioners vested in commissioners under Act), 869
Clause 12 (Church property vested in commissioners under Act), 870
Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords), 874
Clause 14 (Compensation to ecclesiastical persons other than curates), 886
Clause 15 (Compensation to curates), 918
Clause 16 (Compensation to diocesan schoolmasters, clerks, and sextons), 921
Clause 17 (Compensation to organists, vergers, and others)
Clause 18 (Compensation to lay patrons), 923
Clauses 19 to 22 [*Powers of church after passing of Act*] postponed
Clause 23 (Redemption of annuities and life interest of ecclesiastical persons), 924
[*cont.*

*Irish Church Bill*—cont.
Committee *July* 2, 996
Clause 24 (Building charge to be paid on commutation of annuity), 996
Clause 25 (Enactments with respect to churches), 997
Clause 26 (Enactments with respect to burial-grounds), 998
Clause 27 (Enactments with respect to ecclesiastical residences), 1000
Clause 28 (Power to convey additional land to church body), 1024

Committee *July* 5, 1108
Clause 29 (Enactments with respect to private endowments), 1110
Clause 30 (Enactments with respect to mixed endowments), 1154
Clause 31 (Moveable chattels belonging to see or church), 1154
Clause 32 (Limitation of right to purchase fee simple in consideration of perpetual rent), 1154
Clause 33 (Sale of tithe rentcharge to owners of land), 1154
Clause 34 (Commissioners may purchase surrender or assignment of lease), 1157
Clause 35 (Power of commissioners to sell their property), 1157
Clause 36 (Orders of commissioners operating as conveyance or mortgage to be liable to same stamp duty as conveyances or mortgages), 1158
Clause 37 (Payment of money into bank), 1158
Clause 38 (Accounts of capital and revenues), 1158
Clause 39 (Compensation to nonconforming ministers), 1158
Clause 40 (Commutation of annuities of nonconformist ministers and professors at Belfast), 1159
Clause 41 (Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums), 1159
Clause 42 (Remission of debt to trustees of Maynooth), 1163
Clause 43 (Regulations as to appeal), 1163
Clause 44 (Possession to be given up of 24, Upper Merrion Street), 1163
Clause 45 (Compensation to Ecclesiastical Commissioners and their officers), 1164
Clause 46 (Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January, 1869), 1164
Clause 47 (Benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin), 1165
Clause 48 (Delivery up of books by registrars), 1165
Clauses 49 to 59 [*Dealings with Property*], 1165
Clauses 60 to 65 [*Power of the Commissioners to raise Money*], 1165
Clause 66 (Rules as to arbitration), 1165
Clause 67 (Regulation as to vacancies), 1165

Committee *July* 6, 1228
Clause 68 (Ultimate trust of surplus), 1228
Clause 69 (Provision as to Acts relating to United Church of England and Ireland), 1260
Clause 70 (Saving rights as to proprietary chapels and chapels of ease), 1261
[*cont.*

*Irish Church Bill*—cont.
Clause 71 (Saving of Act of 39 & 40 G. 3, c. 67), 1261
Clause 72 (Interpretation), 1261
Clause 19 (Repeal of laws prohibiting holding of synods, &c.), 1261
Clause 20 (Existing law to subsist by contract), 1267
Clause 21 (Abolition of ecclesiastical courts and ecclesiastical law), 1267
Clause 22 (Incorporation of church body), 1268
Preamble, as amended, agreed to; Title read, and agreed to, 1268 (No. 172)

Amendments reported *July* 9, 1484
Clause 2 (Dissolution of legislative union between Churches of England and Ireland), 1489
Clause 10 (Prohibition of future appointments), 1489
Clause 12 (Church property vested in Commissioners under Act), 1490
Clause 69 (Ultimate trust of surplus), 1490
Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords), 1493
Clause 14 (Compensation to ecclesiastical persons other than curates), 1500
Clause 21 (Existing law to subsist by contract), 1502
Clause 27 (Enactments with respect to burial grounds), 1503
Clause 28 (Enactments with respect to ecclesiastical residences), 1504
Division List, Cont. and Not-Cont., 1513
Clause 30 (Enactments with respect to private endowments), 1517; after long debate, Amendments made (No. 182)

Moved, "That the Bill be now read 3ª" *July* 12, 1595
Amendt. to leave out ("now") and insert ("this day three months") (*The Earl of Clancarty*); after debate, Amendt. withdrawn; original Motion agreed to; Bill read 3ª; after further long debate, Amendments made
Division Lists, Conts. and Not-Conts., 1623, 1657
On Question, That the Bill do pass? objected to; on Question, agreed to; Bill passed, and sent to the Commons
Protests thereon—
Against the Third Reading of the Bill, 1661
Against the Passing of the Bill, 1662

*c.* Lords' Amendments considered *July* 15, 1891; after long debate, Further Consideration deferred [Bill 209]

**Jamaica Loans Bill**
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
*c.* Ordered * *July* 6
Read 1º * *July* 7 [Bill 200]
Read 2º * *July* 12

James, Mr. H., *Taunton*
Dublin Freemen, Leave, 950
Imprisonment for Debt, Comm. *cl.* 4, 426; Amendt. 428, 429

Jenkinson, Sir G. S., *Wiltshire, N.*
Contagious Diseases (Animals), Comm. *cl.* 96, 1761; *add. cl.* 1772
Income and Assessed Taxes, Payment of, 122
Poor Law, Res. 445

*Jersey Jurats*
Question, Mr. Locke; Answer, Mr. Bruce *July* 1, 945

Jessel, Mr. G., *Dover*
Bankruptcy, Comm. *cl.* 130, 325; *cl.* 131, 416; *add. cl.* 417
Imprisonment for Debt, Comm. *cl.* 4, 427

Johnston, Mr. A., *Essex, S.*
Cattle Disease, 949
Parliament—Ladies' Gallery, Res. 1583

Johnston, Mr. W., *Belfast*
Ireland—Loans for Dublin and Belfast, 125
Party Processions (Ireland), 2R. 868

**Joint Stock Companies Arrangement Bill** (*Mr. Henry B. Sheridan, Mr. Serjeant Simon*)
*c.* Read 2º * *June* 22 [Bill 140]
Committee *; Report *June* 23
Read 3º * *June* 30
*l.* Read 1ª * (*The Earl of Lichfield*) *July* 1 (No. 167)

**Judicial Statistics (Scotland) Bill**
(*The Lord Advocate, Mr. Secretary Bruce, Mr. Solicitor General for Scotland*)
*c.* Read 2º * *June* 17 [Bill 142]
Committee *; Report *June* 21
Read 3º * *June* 24
*l.* Read 1ª * (*The Earl of Morley*) *June* 25
Read 2ª * *July* 15 (No. 151)

**Justices of the Peace Qualification Bill**
(*The Earl of Albemarle*)
*l.* Moved, "That the Bill be now read 2ª" *June* 24, 506
Amendt. to leave out ("now,") and insert ("this day three months") (*The Duke of Richmond*); after short debate, Amendt., original Motion, and Bill withdrawn (No. 93)

Kekewich, Mr. S. T., *Devonshire, S.*
Catholic Children in Workhouses, 1418, 1421
Supply—Poor Law Commission, 1692

*Kew Gardens*
Question, Lord George Hamilton; Answer, Mr. Layard *June* 17, 124

Kimberley, Earl of (Lord Privy Seal)
Assessed Rates, 2R. 1750
Irish Church, 2R. 41, 48; Comm. Preamble, 730; *cl.* 6, 753; *cl.* 13, 879; *cl.* 14, 891, 910; *cl.* 18, 924; *cl.* 23, 933; *cl.* 25, 998; *cl.* 26, 999, 1000; *cl.* 27, 1014; *cl.* 28, 1069; *add. cl.* 1110; *cl.* 29, 1142; *cl.* 46, 1164; *cl.* 68, 1249, 1253; *add. cl.* 1260; Report, 1489, 1501, 1503, 1504; 3R. 1638

King, Hon. P. J. Locke, *Surrey, E.*
*Real Estate Intestacy, 2R. 1820, 1835, 1863
Supply—House of Commons Offices, 1476
House of Lords Offices, 1474
Houses of Parliament, 680, 681; Amendt. 684, 685
Industrial Museum, Edinburgh, 1212

Kinnaird, Lord
Army—School of Musketry at Hythe, Motion for Report, 1593

Kinnaird, Hon. A. F., *Perth*
Army—Medals for Service in India, 624
Foreign Office—Unpaid Attachés, Res. 1674
India—Medals for Bhootan, 1424
Railways, 1424
Metropolis—New Public Offices, 1671
Parliament—Morning Sittings, 1187
Parochial Schools (Scotland), 2R. 1734
South Sea Islands—Slave Trade from the, 644, 648
Supply—Houses of Parliament, 681, 685
Office of Woods, &c. 1703
Stationery Office, 1700

Kirk, Mr. W., *Newry*
Irish Church, Lords' Amendts. 1963

Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Home Department), *Sandwich*
Bridges, Repair of, 1886

Knight, Mr. F. W., *Worcestershire, W.*
Army—Camping System, Major M'Gwire's, 944

Laird, Mr. J., *Birkenhead*
Cattle Disease (Cheshire), Res. 1818
Contagious Diseases (Animals), Comm. *cl.* 7, Amendt. 1769

Lambert, Mr. N. G., *Buckinghamshire*
Contagious Diseases (Animals), Comm. *cl.* 15, 1281

**Land Tax Commissioners Names Bill**
(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
*c.* Committee *—r.p. *June* 21 [Bill 54]
Committee *; Report *June* 24
Considered * *June* 25
Read $3^{o}$ * *June* 28
*l.* Read $1^{a}$ * (*The Marquess of Lansdowne*) *June* 29 (No. 158)

**Land Tax Law Amendment, &c. Bill**
(*Mr. Chancellor of the Exchequer, Mr. Ayrton*)
*c.* Ordered; read $1^{o}$ * *July* 1 [Bill 188]
Read $2^{o}$ * *July* 8

Lawrence, Mr. Alderman J. C. (Lord Mayor), *Lambeth*
Emigration to Western Australia, 1166
Supply—Royal Palaces, 654
Royal Parks, &c. 659

Lawrence, Mr. Alderman W., *London*
House Tax, Res. 1802, 1807
Supply—Office of Woods, &c. 1701, 1704
Rates on Government Property, 1458

Layard, Right Hon. A. H. (Chief Commissioner of Works), *Southwark*
Army—Buckingham Palace Guard Room, Motion for Papers, 137
Kew Gardens, 124
Metropolis—New Public Offices, 1670, 1671
Parliament—Ladies' Gallery, 120; Res. 1586
Supply—Burlington House, 1213, 1214
Chapter House, Westminster, 1209, 1210
Embassy Houses Abroad, 1464, 1467
Furniture, Public Departments, 677, 678
Houses of Parliament, 680, 682, 683, 684; Report, 1431; Amendt. 1441, 1442, 1443
Land, New Palace, Westminster, 679
Post Office, &c. Buildings, 1456
Probate Court and Registries, 1210, 1211
Public Buildings, 675, 676
Public Offices Site, 1202, 1203, 1204, 1207, 1208
Royal Palaces, 653
Royal Parks, &c. 659, 660, 661, 663, 664, 668, 669
Works, &c. 1706, 1707, 1708

Leatham, Mr. E. A., *Huddersfield*
Elections (Wales), Res. 1316

Lefevre, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
Agricultural Returns, Res. 834
Feed Stuffs and Manures, Res. 974
Supply—Board of Trade, 1681
Harbours of Refuge, 1456
Lighthouses Abroad, 1463

Lefroy, Mr. A., *Dublin University*
Irish Church, Lords' Amendts. 1961

Leinster, Duke of
Irish Church, Comm. *cl.* 2, 746; 3R. 1641

Leitrim, Earl of
Irish Church, 3R. 1612

Lennox, Lord H. G. C. G., *Chichester*
Local Museums, 946
Navy—Admiralty Clerks, 412, 413
Ryde Pier, 358
Supply—Office of Woods, &c. 1703, 1704
Works, &c. 1708

Leslie, Colonel C. P., *Monaghan Co.*
Cab Stands (Metropolis), 1169

**Libel Bill**
(*Mr. Baines, Mr. Candlish, Mr. Morley*)
*c.* Bill withdrawn * *July* 14 [Bill 106]

Lichfield, Earl of
Municipal Franchise, 2R. 1417

Lichfield, Bishop of
Irish Church, 2R. 213; Comm. *cl.* 2, 750, 752; *cl.* 14, 913; *cl.* 29, 1126; Report, 1521

Liddell, Hon. H. G., *Northumberland, S.*
China—Tien-tsin, Treaty of, Motion for Papers, 1794
Contagious Diseases (Animals), Comm. *cl.* 16, 1291; *cl.* 63, 1532
Greenwich Hospital, Comm. Amendt. 553
Poor Law, Res. 439

**Life Peerages Bill**
(*The Earl Russell*)
*l.* Moved, "That the Bill be now read 3ª" *July* 8, 1387 (No. 113)
Amendt. to leave out ("now,") and insert ("this day three months") (*The Earl of Malmesbury*); on Question, That ("now,") &c.; Cont. 76; Not-Cont. 106; M. 30; resolved in the negative; Bill to be read 3ª on this day three months
Division List, Cont. and Not.-Cont. 1401

Lifford, Viscount
Irish Church, Comm. *add. cl.* 1108; *cl.* 68, Amendt. 1256; Report, 1501

Limerick, Earl of
Bishops Resignation, 2R. 1744
Irish Church, Comm. *cl.* 33, Amendt. 1154, 1155; 3R. Amendt. 1660

Lloyd, Sir T. D., *Cardigan, &c.*
Elections (Wales), Res. 1324

**Local Government Supplemental** (*re-committed*) **Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*
*c.* Committee*; Report *June* 17 [Bill 155]
Considered* *June* 18
Read 3º* *June* 18
*l.* Read 1ª* (*The Earl of Morley*) *June* 22 (No. 140)

**Local Government Supplemental (No. 2) Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1º* *July* 1 [Bill 192]
Read 2º* *July* 5
Committee*; Report *July* 8
Considered* *July* 9
Read 3º* *July* 9
*l.* Read 1ª* (*The Earl of Morley*) *July* 12 (No. 183)

*Local Museums*
Question, Lord Henry Lennox; Answer, Mr. Gladstone *July* 1, 946

Locke, Mr. J., *Southwark*
Assessed Rates, Comm. *cl.* 1, 383; Amendt. 386; Consid. 1088
Jersey Jurats, 945
Public Houses, &c. Res. 454
Supply—Office of Woods, &c. 1702
Probate Court and Registries, 1211

London, Bishop of
Bishops Resignation, 2R. 1742
Endowed Schools, Comm. *cl.* 15, Amendt. 1880; *cl.* 30, Amendt. 1883; *add. cl.* 1885

Longford, Earl of
Irish Church, Report, 1485, 1494
Parliament—Order in the House, 403

Lopes, Mr. H. C., *Launceston*
Dublin Freemen Commission, 2R. 1181

Lowe, Right Hon. R. (see Chancellor of the Exchequer)

Lowther, Mr. J., *York City*
Dublin City Writ, 130
Dublin Freemen, Leave, 950
Hyde Park, Furious Riding in, 1592

Lowther, Mr. W., *Westmoreland*
Foreign Office—Unpaid Attachés, Res. 1672, 1676
Friendly Societies' Returns, 571
Supply—Foreign Office, 1679

Lucan, Earl of
Irish Church, Comm. *cl.* 68, 1254

Lurgan, Lord
Irish Church, 3R. 1604

Lusk, Mr. Alderman A., *Finsbury*
Army Estimates—Chelsea and Kilmainham Hospitals, 149
Superannuation Allowances, 149
Audit of Public Accounts, 633
Foreign Office—Unpaid Attachés, Res. 1675
Imprisonment for Debt, Comm. *cl.* 18, 582
Supply—Board of Trade, 1682
Chapter House, Westminster, 1210
Charity Commission, 1683
Consular Buildings, &c. 1471
Foreign Office, 1677, 1680
Foreign, &c. Services, 1710
Harbours of Refuge, 1456
Home Office, 1481
Houses of Parliament, Report, 1437
Land, New Palace, Westminster, 679
Lighthouses Abroad, 1463
Poor Law Commission, 1692
Post Office, &c. Buildings, 1456
Probate Court and Registries, 1211
Public Buildings, 674
Public Offices Site, 1204
Public Works (Ireland), 1461
Queen's and Lord Treasurer's Department (Scotland), Amendt. 1710
Rates on Government Property, 1457, 1459
Royal Palaces, 652
Royal Parks, &c. 657, 667

Lyttelton, Lord
Endowed Schools, Comm. 1868, 1870; *cl.* 12, Amendt. 1876; *cl.* 15, 1880, 1881; *cl.* 19, Amendt. 1882; *cl.* 30, 1884
Irish Church, Comm. *cl.* 2, 752; 3R. 1610

**Lyveden**, Lord
Life Peerages, 3R. 1391

**McArthur**, Mr. W., *Lambeth*
Assessed Rates, Comm. *cl.* 1, 395

**McClean**, Mr. J. R., *Staffordshire, E.*
Imprisonment for Debt, Comm. *cl.* 5, 574

**McCombie**, Mr. W., *Aberdeenshire, W.*
Contagious Diseases (Animals), Comm. *cl.* 15, 1275; *cl.* 45, 1528; *cl.* 60, Amendt. 1529; *cl.* 63, 1534; *cl.* 67, 1538; Amendt. 1540; *cl.* 90, 1756; *add. cl.* 1770
Game Laws (Scotland) [Mr. M'Lagan], 2R. 502

**MacEvoy**, Mr. E., *Meath Co.*
Ecclesiastical Titles, 1169

**Macfie**, Mr. R. A., *Leith, &c.*
Annuity Tax (Edinburgh), 2R. 855
Electric Telegraphs, Comm. 1224
Supply—Stationery Office, 1699

**McLagan**, Mr. P., *Linlithgowshire*
*Agricultural Returns, Res. 823, 831
Contagious Diseases (Animals), Comm. *add. cl.* 1772
Feed Stuffs and Manures, Res. 973
Game Laws (Scotland) [Mr. M'Lagan], 2R. 499
Parochial Schools (Scotland), 2R. 1733

**McLaren**, Mr. D., *Edinburgh*
Annuity Tax (Edinburgh), 2R. 838, 863
Army Estimates—Superannuation Allowances, 150
Audit of Public Accounts, 630
Endowed Hospitals, &c. (Scotland), Comm. 157
Parochial Schools (Scotland), 2R. 1723
Supply—Public Offices Site, 1208
  Public Works (Ireland), 1461, 1462
  Queen's and Lord Treasurer's Department, 1711
  Rates on Government Property, 1458
  Stationery Office, 1698
  Works, &c. 1708

**McMahon**, Mr. P., *New Ross*
Bankruptcy, Comm. *add. cl.* 419
Imprisonment for Debt, Comm. *cl.* 5, Amendt. 430, 572, 578

**Maguire**, Mr. J. F., *Cork City*
Army—Clerks of the Works and Royal Engineers, 136
Prisoners (Political Offences), Res. 815

**Malmesbury**, Earl of
Irish Church, Comm. *cl.* 28, 1026; *cl.* 68, 1234
Life Peerages, 3R. Amendt. 1387
Parliament—Order in the House, 405

*Malta*
Moved, "That, in the opinion of this House, it is expedient, in accordance with pledges given in the name of the Sovereign, to restore to the people of Malta, with such modifications as present circumstances may require, their ancient representative institution, the 'Congresso Popolare;' to re-establish the Executive Council' as a distinct body, aiding the Governor in administering the Civil Affairs of the Island; and, reverting to the policy abandoned in 1859, to sever the office of 'Civil Governor' from that of 'Commander of the Forces" (*Mr. Robert Torrens*) *July* 13, 1774; after short debate, Motion withdrawn

**Manchester**, Duke of
Ireland—Portadown Inquest, 1737
Irish Church, Report, 1499

**Manners**, Right Hon. Lord J. J. R., *Leicestershire, N.*
Irish Church, Lords' Amendts. 1960
Parliament—Insufficient Accommodation of the House, Res. 964
Supply—Burlington House, 1214
  Consular Buildings, &c. 1471
  Embassy Houses Abroad, 1466, 1467
  Furniture, Public Departments, 677
  Houses of Parliament, 683, 685; Report, 1435
  Industrial Museum, Edinburgh, 1213
  Public Offices Site, 1203, 1209
  Rates on Government Property, 1458
  Royal Palaces, 654
  Royal Parks, &c. 656, 663, 664, 667, 668
Trades Unions, 2R. 1385
United States—Recent Negotiations with, 1427

**Marlborough**, Duke of
Endowed Schools, Comm. *cl.* 8, 1875; *cl.* 15, 1880; *cl.* 42, Amendt. 1884
Irish Church, Comm. *cl.* 26, 999; *cl.* 28, 1039
University Tests, Comm. *add. cl.* 1095

**Marriage with a Deceased Wife's Sister Bill** (*Mr. Thomas Chambers, Mr. Morley*)
*c.* Adjourned debate [8th June] resumed *June* 22, 466 [Bill 23]
  Moved, "That the Debate be now adjourned" (*Mr. Beresford Hope*); A. 52, N. 100; M. 48
  Question again proposed; after short debate, Moved, "That this House do now adjourn" (*Sir Henry Selwin-Ibbetson*); A. 43, N. 101; M. 58
  Question again proposed; Moved, "That the Debate be now adjourned" (*Colonel Barttelot*); after further short debate, Debate adjourned

**Married Women's Property** (*re-committed*) **Bill** (*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright*)
*c.* Committee*; Report *June* 17 [Bill 20]
  Read 3°* *July* 9 [Bill 122]

MARTIN, Mr. P. Wykeham, *Rochester*
Army—Gunpowder Magazines at Upnor, 1168
Assessed Rates, Comm. *cl.* 1, 397

MATTHEWS, Mr. H., *Dungarvan*
Ireland—Seizure of Fishing Smacks, 949

*Medical Education and Registration—General Council of*
Question, Sir John Gray; Answer, Mr. Bruce *July* 6, 1269

**Medical Officers Superannuation (Ireland) Bill**
(*Mr. Brady, Mr. Pim, Mr. Trant Hamilton*)
*c.* Moved, "That the Bill be now read 2°" *June* 23, 486; after debate, Bill read 2° [Bill 48]
Committee *; Report *June* 29 [Bill 185]
Re-comm.*; Report *July* 5
Considered * *July* 7
Read 3° * *July* 8
*l.* Read 1ª * (*The Lord Granard*) *July* 9 (No. 180)

MELLOR, Mr. T. W., *Ashton-under-Lyne*
Supply—House of Commons Offices, 1477
Royal Palaces, 653

MELLY, Mr. G., *Stoke-upon-Trent*
Assessed Rates, Comm. *cl.* 1, 391; Consid. 1085
Cattle Disease (Cheshire), Res. 1817
Supply—Foreign Office, 1679

*Metropolis*
*Cab Stands*, Question, Colonel Leslie; Answer, Mr. Bruce *July* 5, 1169
*Hyde Park—Conviction for Furious Riding*, Question, The Earl of Winchilsea; Answer, Earl Granville *July* 5, 1105; Observations, Captain White; Reply, Mr. Bruce; short debate thereon *July* 9, 1591
*New Public Offices*, Observations, Mr. Goldney; Reply, Mr. Layard; short debate thereon *July* 12, 1669
*St. Marylebone Workhouse School*, Question, Mr. Cogan; Answer, Mr. Goschen *July* 1, 944
*St. Pancras Workhouse*, Question, Colonel Barttelot; Answer, Mr. Goschen *July* 13, 1754; Question, Dr. Brewer; Answer, Mr. Goschen *July* 14, 1820

**Metropolis Local Management Acts Amendment Bill**
(*The Marquess Townshend*)
*l.* Bill withdrawn * *June* 24 (No. 86)

**Metropolitan Board of Works [Loans] Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Goschen*)
*c.* Resolutions in Committee *June* 24
Resolutions reported; Bill ordered; read 1° * *June* 25 [Bill 181]

*Metropolitan Board of Works—Mortality at Barking*
Question, Mr. Eastwick; Answer, Mr. Bruce *June* 24, 514

**Metropolitan Building Act (1855) Amendment Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered * *July* 6
Read 1° * *July* 13 [Bill 214]

**Metropolitan Poor Act (1867) Amendment Bill** (*Mr. Goschen, Mr. A. Peel, Mr. Ayrton*)
*c.* Committee *—R.P. *June* 25 [Bill 53]

**Metropolitan Regulations Bill**
(*The Marquess Townshend*)
*l.* Bill withdrawn * *June* 24 (No. 87)

*Mexico, Relations with*
Question, Mr. Somerset Beaumont; Answer, Mr. Otway *June* 17, 119

**Militia Pay Bill** (*Mr. Dodson, Mr. Secretary Cardwell, Captain Vivian*)
*c.* Ordered * *June* 18

MILLER, Mr. J., *Edinburgh* (*City*)
Annuity Tax (Edinburgh), 2R. 858
Contagious Diseases (Animals), Comm. *cl.* 34, Amendt. 1293; *cl.* 56, Amendt. 1529; *cl.* 63, 1533; *cl.* 122, Amendt. 1765, 1766
Scotland — Waternish Church, Isle of Skye, 1886
Supply—Houses of Parliament, 682
Industrial Museum, Edinburgh, 1212
Public Offices Site, 1207
Stationery Office, 1697, 1699; Amendt. 1700

*Mr. Murphy, the Protestant Lecturer—Arrest of*
Question, Mr. Greene; Answer, Mr. Bruce *June* 17, 124; Questions, Mr. Greene, Mr. Newdegate; Answers, Mr. Bruce *June* 22, 411; Question, Mr. Newdegate; Answer, Mr. Bruce *July* 9,1542

MONCK, Viscount
Irish Church, Comm. *cl.* 4, Amendt. 753; *cl.* 6, Amendt. 754; *cl.* 29, 1135

**Money Laws (Ireland) Bill**
(*Mr. Delahunty, Mr. Blake, Mr. Dawson*)
*c.* Moved, "That the Bill be now read 2°" *June* 23, 471
Amendt. to leave out "now," and add "upon this day three months" (*Sir Frederick W. Heygate*); Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn; Bill withdrawn [Bill 16]

MONK, Mr. C. J., *Gloucester*
Canada—Railway Loan, Res. 1448, 1455
Civil Offices (Pensions), Consid. 539
Marriage with a Deceased Wife's Sister, Instruction, 467, 470
Supply—Consular Buildings, &c. 1468, 1471
Embassy Houses Abroad, 1464, 1465
Furniture, Public Departments, 678
Houses of Parliament, 679; Amendt. 681
Industrial Museum, Edinburgh, 1212
Probate Court and Registries, Amendt. 1210
Public Buildings, 676
Public Offices Site, 1207
Public Works (Ireland), 1460, 1462
Record Office, 1693
Stationery Office, 1697

MONSELL, Right Hon. W. (Under Secretary of State for the Colonies), *Limerick Co.*
Canada and the Hudson's Bay Company, 1526
Cape of Good Hope—Boers of the Trans-Vaal Republic, 1342
China—Hong Kong Gambling Houses, 1667
Emigration to Western Australia, 1166
Malta, Res. 1776
South Sea Islands, Slave Trade from the, 641, 644
West Indies, The, 1889

MONTAGU, Right Hon. Lord R., *Huntingdonshire*
Contagious Diseases (Animals), Comm. *cl.* 15, 1271, 1279; *cl.* 16, Amendt. 1291

MONTGOMERY, Sir G. G., *Peeblesshire*
Annuity Tax (Edinburgh), 2R. Amendt. 843

MOORE, Mr. G. H., *Mayo Co*
Prisoners (Political Offences), Res. 798, 808, 812, 814, 815

MORGAN, Mr. G. O., *Denbighshire*
Bankruptcy, Comm. *cl.* 130, 315
*Elections (Wales), Res. 1308
Prisoners (Political Offences), Res. 819
Real Estate Intestacy, 2R. 1854
University Tests, Comm. *add. cl.* 1094

MORLEY, Earl of
Infant Life Preservation, 2R. 1739
Salmon Fishery Act (Scotland), 1753

MORLEY, Mr. S., *Bristol*
Bankruptcy, Comm. *cl.* 130, 317; *cl.* 131, 415; *add. cl.* 418, 419
Imprisonment for Debt, Comm. *cl.* 5, 576; *cl.* 14, Amendt. 580
Supply—Houses of Parliament, 681

MORRISON, Mr. W., *Plymouth*
Regina v. Overend, Gurney, & Co. 993

MOWBRAY, Right Hon. J. R., *Oxford University*
University Tests, Comm. *cl.* 1, 788; *cl.* 6, 793

MUNDELLA, Mr. A. J., *Sheffield*
French Treaty, Motion for a Committee, 350
Prisoners (Political Offences), Res. 819
Regina v. Overend, Gurney, & Co. 980
Trades Unions, 2R. 1373

**Municipal Franchise Bill**
(*The Earl of Lichfield*)
*l.* Moved, "That the Bill be now read 2ª" *July* 8, 1417; Bill read 2ª (No. 125)
Committee* *July* 13 (No. 187)

MUNTZ, Mr. P. H., *Birmingham*
Assessed Rates, Comm. *cl.* 1, 394
Bills of Exchange, Res. 140
French Treaty, Motion for a Committee, 349
Regina v. Overend, Gurney, & Co. 994
Supply—Consular Buildings, &c. 1473
Embassy Houses Abroad, 1466
Houses of Parliament, Report, 1438

MURPHY, Mr. N. D., *Cork City*
Prisoners (Political Offences), Res. 816

*Navy*
*Admiralty Clerks*, Question, Lord Henry Lennox; Answer, Mr. Childers *June* 22, 412
*Flying Squadron*, Observations, Sir John Hay; Reply, Mr. Childers *June* 18, 309

NELSON, Earl
Bishops Resignation, 2R. 1741
Endowed Schools, 2R. 613; Comm. *cl.* 8, 1875
Irish Church, 2R. 114; Comm. *cl.* 16, Amendt. 921; *cl.* 25, 998; *cl.* 46, 1164

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid.*
Endowed Schools, 516
Supply—Furniture, Public Departments, 677
Royal Parks, &c. 660, 665

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Contagious Diseases (Animals), Comm. *cl.* 15, 1289
French Treaty, Motion for a Committee, 346
Imprisonment for Debt, Consid. *cl.* 5, 762
Irish Church, Lords' Amendts. 1916, 1941, 1942, 1964
Murphy, Mr., Arrest of, 411, 1542
Poor Law (Removal of Children), Res. 1340
Public Houses, &c. Res. 456
University Tests, Comm. 786; *add. cl.* 1095

**New Parishes and Church Building Acts Amendment Bill**
(*The Lord Archbishop of York*)
*l.* Committee*; Report *June* 24 (No. 184)
Re-comm.* *July* 12
Report * *July* 13
Read 3ª * *July* 15
Royal Assent *August* 11 [32 & 33 *Vict.* c. 94.]

*New Peer*
*July* 2 — Lord Rollo, Baron Dunning of the United Kingdom

[*cont.*

*New Peers*—cont.
*Sat First*
*June* 21—The Lord Hawke, after the death of his Brother
*June* 22—The Lord Stuart of Castle Stuart, after the death of his Father
*June* 28—The Lord Ashburton, after the death of his Father
*July* 1—The Lord Stanley of Alderley, after the death of his Father

*Representative Peer for Scotland* (Writ and Return.)
*July* 8—The Earl of Kellie; Certificate read

*Representative Peer for Ireland* (Writ and Return.)
*July* 8—The Earl of Bantry, *v.* The Earl of Wicklow, deceased

*New Member Sworn*
*June* 17—Charles Seely, the younger, esquire, *Nottingham Town*

**Newspapers Printing and Reading Rooms Bill** (*The Marquess of Lansdowne*)
*l.* Committee*; Report *June* 18 (No. 137)
Read 3ª* *June* 21
Royal Assent *July* 12 [32 & 33 *Vict.* c. 24]

NICOL, Mr. J. Dyce, *Kincardineshire*
Contagious Diseases (Animals), Comm. *cl.* 122, 1765

**Nitro Glycerine Bill** (*Sir John Hay, Mr. Alderman Lawrence, Mr. Graves*)
*c.* Resolution in Committee; Resolution reported; Bill ordered; read 1º* *July* 12 [Bill 211]
Read 2º* *July* 15

NORTH, Colonel J. S., *Oxfordshire*
Army—Colonels in the Indian Army, 1888, 1889
Crimean Prize Money, 1669
Army—Adjutancies of Militia, Res. 139
Bright, Mr., Letter of, 121

NORTHBROOK, Lord (Under Secretary of State for War)
Army—School of Musketry at Hythe, Motion for Report, 1594
Irish Church, Comm. *cl.* 14, 898; *cl.* 15, 920; *cl.* 33, 1155, 1156; Report, 1500; 3R. 1661

NORTHCOTE, Right Hon. Sir S. H., *Devonshire, N.*
Central Asia, 1577
Elections (Wales), Res. 1322
India—Auditor General of Accounts, 357
Fisheries, 357
Home Accounts, 118
India—East India (Home Accounts), Motion for Papers, 1329

NORTHUMBERLAND, Duke of
Irish Church, Comm. *cl.* 33, 1156

NORWOOD, Mr. C. M., *Kingston-upon-Hull*
Assessed Rates, Comm. *cl.* 1, Amendt. 385
Bankruptcy, Comm. *cl.* 131, 416; *add. cl.* Amendt. 419, 420
Feed Stuffs and Manures, Res. 974
Imprisonment for Debt, Comm. *cl.* 4, 429; *cl.* 5, 573

O'BRIEN, Sir P., *King's Co.*
Dublin Freemen Commission, 2R. 1180
Ireland—Clerk of the Crown for King's County, 1421
Regina v. Overend, Gurney, & Co. 983, 984
Supply—Embassy Houses Abroad, 1464, 1467
Foreign Office, 1677
Office of Woods, &c. Amendt. 1704, 1705
Royal Parks, &c. 667, 668

O'NEILL, Lord
Irish Church, Report, 1489

ONSLOW, Mr. G., *Guildford*
Supply—Houses of Parliament, 685

*Order of St. Patrick*
Question, The Earl of Portarlington; Answer, Earl Spencer *July* 5, 1106

O'REILLY, Mr. M. W., *Longford Co.*
Army—Adjutancies of Militia, Res. 139
Army Estimates—Army Administration, 143, 147

O'REILLY-DEASE, Mr. M., *Louth Co.*
Contagious Diseases (Animals), Comm. *cl.* 63, 1534
Elections (Wales), Res. 1327
Malta, Res. 1776
Prisoners (Political Offences), Res. 811
Supply—Stationery Office, 1695

OTWAY, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
China—Pekin, Affair at, 625
China—Tien-tsin, Treaty of, Motion for Papers, 1798
Egypt—Suez Canal, 1664
Foreign Office—Unpaid Attachés, 1675
Jews in Roumania, 1525
Mexico—Relations with, 119
Société Industrielle et Agricole d'Egypte, 1167
Spain—Treaty of Commerce, 1425
Supply—Embassy Houses Abroad, 1467
Foreign Office, 1677, 1679
Public Buildings, 675

OVERSTONE, Lord
Endowed Schools, Comm. 1874

OXFORD, Bishop of
Irish Church, 354; Comm. Preamble, 713; *cl.* 2, 751; *cl.* 28, 1074; *cl.* 69, Amendt. 1260, 1261

**Oyster and Mussel Fisheries Supplemental Bill**
(*The Earl of Kimberley*)
*l.* Read 2a* *June* 17 (No. 129)
Committee *; Report *June* 24
Read 3a* *June* 25
Royal Assent *July* 12 [32 & 33 *Vict.* c. 70]

*Oyster Dredging*
Question, Mr. Blake; Answer, Mr. Bright *July* 12, 1667

*Packet and Telegraph Contracts*
Moved, That the first Resolution of the House of the 24th July, 1860—"That in all Contracts extending over a period of years, and creating a public charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been laid upon the Table of the House of Commons for one Month without disapproval, unless, previous to the lapse of that period, it has been approved of by a Resolution of the House," be read and rescinded; and in lieu thereof, that it be resolved—
"That in all Contracts extending over a period of years and creating a public charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has been approved of by a Resolution of the House" (*The Marquess of Hartington*) *July* 13, 1818; Motion agreed to
Ordered, That the said Resolution, and the Resolutions of the House of the 24th July 1860, be Standing Orders of this House

Pakington, Right Hon. Sir J. S., *Droitwich*
Army Estimates—Army Administration, 146
Military Education, 143
Regina v. Overend, Gurney, & Co. 986

Palk, Sir L., *Devonshire, S.*
Dublin City Writ, 133
Parliamentary Disqualification, 351

Palmer, Sir R., *Richmond*
Bankruptcy, Comm. *cl.* 130, 315, 328
Imprisonment for Debt, Consid. *cl.* 5, 764, 767
Irish Church, Lords' Amendts. 1935, 1964, 1973, 1979
Law Courts, New, Motion for a Committee, 461
University Tests, Comm. *cl.* 6, 794; *add. cl.* 1090, 1098, 1099

Palmer, Mr. J. Hinde, *Lincoln City*
Bankruptcy, Comm. *cl.* 131, 416; *add. cl.* 418
Law Courts, New, Motion for a Committee, 462
Real Estate Intestacy, 2R. 1858

Parker, Mr. C. S., *Perthshire*
Endowed Hospitals, &c. (Scotland), Comm. 159
Game Laws (Scotland) [Mr. M'Lagan], 2R. 505

**Park Gate Chapel Marriages** (*re-committed*) **Bill**
*c.* Committee*—R.P. *June* 21 [Bill 111]
Committee*; Report *June* 24
Considered* *June* 25
Read 3o* *June* 28
Royal Assent *July* 12 [32 & 33 *Vict.* c. 30]

**Parliament**

Lords—

*Order in the House*, Observations, Lord Romilly; Reply, Earl Granville; debate thereon *June* 22, 400

Commons—

*Dublin City Writ*, Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th June], "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland, to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Dublin, in the room of Sir Arthur Guinness, baronet, whose Election has been determined to be void" (*Mr. Noel*:) and which Amendment was, To leave out from "That," and add "leave be given to bring in a Bill for disfranchising the Freemen of the City of Dublin" (*Sir George Grey*)
Question again proposed, "That those words be there added;" Debate resumed *June* 17, 126; after short debate, Question put, and agreed to; main Question, as amended, "That leave be given to bring in a Bill for disfranchising the Freemen of the City of Dublin," put, and agreed to
*House of Commons—Insufficient Accommodation of the House*, Amendt. on Committee of Supply *July* 1, To leave out from "That," and add "before granting the sums required for the maintenance and repair of the present Houses of Parliament, this House deems it right to state its opinion that the present accommodation for Members is not sufficient" (*Mr. Headlam*), 962; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
*Ladies' Galleries, The*, Question, Mr. H. A. Herbert; Answer, Mr. Layard *June* 17, 120
Amendt. on Committee of Supply *July* 9, To leave out from "That," and add "in the opinion of this House, the grating in front of the Ladies' Gallery should be removed" (*Mr. Herbert*), 1582; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
*Business of the House — Morning Sittings*, Observations, Mr. Bentinck; Reply, Mr. Gladstone; short debate thereon *July* 5, 1184
*Parliamentary Disqualification—Treasury Allowance on Abolition of Office*, Question, Sir Lawrence Palk; Answer, The Attorney General *June* 21, 351
*Parliamentary Returns*, Question, Mr. Peek; Answer, Mr. Ayrton *July* 15, 1887

[*cont.*

PARLIAMENT—*cont.*
*Police Constables*, Question, Mr. H. B. Sheridan; Answer, Mr. Bruce *July* 12, 1663
*Public Business*, Question, Mr. Crawford; Answer, Mr. Gladstone *July* 12, 1669

**Parochial Schools (Scotland) Bill** (*Lords*)
*c.* Moved, "That the Bill be now read 2°" *July* 12, 1711; after short debate, Bill read 2° [Bill 164]
Committee*; Report *July* 13 [Bill 215]

**Party Processions (Ireland) Bill**
(*Mr. William Johnston, The O'Donoghue*)
*c.* Adjourned Debate on Question [16th March], "That the Bill be now read 2°" resumed *June* 30, 864; after debate, Debate further adjourned [Bill 6]

PATTEN, Right Hon. Colonel J. W., *Lancashire, N.*
Irish Church, Lords' Amendts. 1961
Party Processions (Ireland), 2R. 868
Supply—House of Commons Offices, 1476

PEASE, Mr. J. W., *Durham S.*
Contagious Diseases (Animals), Comm. *cl.* 63, 1532
Supply—Houses of Parliament, 680

PEEK, Mr. H. W., *Surrey, Mid.*
Imprisonment for Debt, Comm. *cl.* 4, 427
Parliament—Morning Sittings, 1187
Parliamentary Returns, 1887
Valuation of Property (Metropolis), Comm. *cl.* 11, 1482

PEEL, Mr. A. W. (Secretary to the Poor Law Commissioners), *Warwick Bo.*
Assessed Rates, Consid. *add. cl.* 1083

PELL, Mr. A., *Leicestershire, S.*
Betten's Charity, 356
Contagious Diseases (Animals), Comm. *cl.* 15, 1282; *cl.* 54, 1528; *cl.* 63, 1532; *cl.* 73, 1540; *add. cl.* 1773

PEMBERTON, Mr. E. L., *Kent, E.*
Ireland—Seizure of Fishing Smacks, 949

**Pensions Commutation Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Resolutions in Committee *June* 28
Resolutions reported; Bill ordered; read 1°* *June* 29 [Bill 187]
Read 2°* *July* 5
Committee*; Report *July* 6
Considered * *July* 7
Read 3°* *July* 8
*l.* Read 1ª* (*The Marquess of Lansdowne*) *July* 9
Read 2ª* *July* 15 (No. 138)

PENZANCE, Lord
Irish Church, Comm. *cl.* 7, 755; Amendt. 758; 3R. 1617

PETERBOROUGH, Bishop of
Bright, Mr., Letter of, 14
Irish Church, 2R. 206; Comm. *cl.* 7, 757; *cl.* 12, 870; *cl.* 14, Amendt. 886, 891, 907, 917; *cl.* 26, 1000; *cl.* 29, 1120; Report, 1500, 1502

**Petroleum Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Committee*; Report *July* 5 [Bill 194]

PHILIPS, Mr. R. N., *Bury*
French Treaty, Motion for a Committee, 350

**Pier and Harbour Orders Confirmation Bill** (*The Earl of Kimberley*)
*l.* Read 1ª* *June* 17 (No. 134)
Read 2ª* *June* 18
Committee*; Report *June* 25
Read 3ª* *June* 28
Royal Assent *July* 12 [32 & 33 *Vict.* c. 71]

PIM, Mr. J., *Dublin City*
Irish Church, Lords' Amendts. 1961, 1985
Money Laws (Ireland), 2R. 485
Supply—Stationery Office, 1696

PLATT, Mr. J., *Oldham*
Trades Unions, 2R. 1364

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
Endowed Hospitals, &c. (Scotland), Comm. Amendt. 150
Faraday, Proposed Monument to, 1173
* Parochial Schools (Scotland), 2R. 1724
University Tests, Comm. *add. cl.* 1091

PLIMSOLL, Mr. S., *Derby Bo.*
Trades Unions, 2R. 1366

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
Army Estimates—Superannuation Allowances, 150
Ireland—Anketell, Mr., Murder of, 351
Supply—Embassy Houses Abroad, 1463, 1466

POOR LAW
Moved, "That, in the opinion of this House, a closer and more harmonious correspondence between the Central and Local Poor Law authorities, and, in consequence, a more uniform and efficient system of parochial administration would be established, and the incidence of Local Taxation would be safely rectified if, as in the case of Education, grants, conditional on efficiency, were made from National sources, through the medium of the Poor Law Board" (*Mr. Rathbone*) *June* 22, 430; after debate, Motion withdrawn
*Catholic Children in Workhouses*, Question, Mr. Kekewich; Answer, Mr. Goschen *July* 8, 1419
*Magistrates and Boards of Guardians*, Question, Colonel Dyott; Answer, Mr. Goschen *June* 17, 119

[*cont.*

*Poor Law*—cont.

*Narberth Union — Treatment of Refractory Vagrants,* Question, Mr. P. A. Taylor; Answer, Mr. Goschen *June* 18, 308; *July* 15, 1890

*Poor in England and Wales,* Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue a Royal Commission to inquire into the operation and administration of the Laws for the Relief of the Poor in England and Wales (*The Marquess Townshend*) *June* 22, 399; after short debate, Motion withdrawn

*Removal of Children,* Moved, "That in any case where a board of guardians or any parish or union shall have made due provision within the workhouse or district school for the instruction in their own faith of children not of the Established Church, their religious rights being amply secured and the spirit of the law effectually carried out, it is inexpedient that the Poor Law Board should exercise its discretionary power to enforce the removal of such children to schools not under the control of the guardians or of the parish authorities" (*Mr. Thomas Chambers*) *July* 6, 1334; after short debate; A. 29, N. 71; M. 42

*St. Marylebone Workhouse School,* Question, Mr. Cogan; Answer, Mr. Goschen *July* 1, 944

*St. Pancras Workhouse,* Question, Colonel Barttelot; Answer, Mr. Goschen *July* 13, 1754; Question, Dr. Brewer; Answer, Mr. Goschen *July* 14, 1820

**Poor Law Board Provisional Orders Confirmation Bill** (*Mr. Peel, Mr. Goschen*)

c. Read 2° * *June* 17 [Bill 168]
Committee *; Report *June* 18
Read 3° * *June* 21
l. Read 1ª * (*The Earl of Kimberley*) *June* 22
Read 2ª * *July* 13 (No. 142)
Committee *; Report *July* 15

**Poor Law (Ireland) Amendment (No. 2) Bill** (*Mr. Gregory, Colonel Vandeleur*)

c. Ordered; read 1° * *June* 22 [Bill 173]
Read 2° * *June* 28
Referred to Select Comm. *July* 5
Select Committee nominated; List of the Committee *July* 6, 1341
Report * *July* 13

**Poor Law Union Loans Bill** (*Mr. Candlish, Mr. Hibbert, Mr. Dillwyn*)

c. Committee *; Report *June* 17 [Bill 167]
Re-comm. *; Report *June* 21
Considered * *June* 23
Read 3° * *June* 23
l. Read 1ª * (*The Earl of Devon*) *June* 24
Read 2ª * *July* 5 (No. 148)
Committee * *July* 15 (No. 194)

**Poor Relief (Ireland) Act (1862) Amendment Bill** (*The Viscount Lifford*)

l. Read 2ª * *June* 24 (No. 124)
Committee *; Report *June* 25
Read 3ª * *June* 28
Royal Assent *July* 12 [32 & 33 *Vict.* c. 25]

PORTARLINGTON, Earl of
Irish Church, Report, 1493
St. Patrick, Order of, 1106

PORTMAN, Lord
Irish Church, 354
Justices of the Peace Qualification, 2R. 512

POTTER, Mr. E., *Carlisle*
Trades Unions, 2R. 1370

POWIS, Earl of
Bishops Resignation, 2R. 1745
Irish Church, Comm. *cl.* 29, 1125; *cl.* 41, 1162

*Prisoners* (*Political Offences*)

Moved, "That it is the duty of the Government to institute a public inquiry into the penal discipline of our Prisons, for the purpose of a better classification of prisoners generally; distinguishing the tried from the untried, and those who may be charged with offences from those who, under exceptional circumstances, may be temporarily detained without any specific charge having been preferred against them" (*Mr. George Moore*) *June* 29, 798; after debate, Question put; A. 31, N. 171; M. 140

Moved, "That Her Majesty's Government should inquire how far political offenders should be regarded as a separate class, and how far the severity of the punishment to which the political convicts in our Prisons have been already subjected may be regarded as reasonable grounds for a favourable consideration in their case" (*Mr. George Moore*), 815; Question put, and negatived

**Prisons (Scotland) Administration Act (1860) Amendment Bill** (*The Lord Advocate, Mr. Secretary Bruce, Mr. Solicitor General for Scotland*)

c. Read 2° * *June* 17 [Bill 143]
Committee *; Report *June* 21
Read 3° * *June* 28
l. Read 1ª * (*The Earl of Morley*) *June* 29 (No. 159)

*Public Houses, &c.*

Moved, "That, in the opinion of this House, it is expedient that any measure for the general amendment of the Laws for Licensing Public Houses, Beer Houses, and Refreshment Houses should include the prohibition of the sale of Liquors on Sunday" (*Mr. Rylands*) *June* 22, 447; after short debate, Motion withdrawn

**Public Parks (Ireland) Bill** (*The Viscount Lifford*)

. Read 2ª * *June* 24 (No. 131)
Committee * *July* 1 (No. 163)
Report * *July* 2
Read 3ª * *July* 5
Royal Assent *July* 12 [32 & 33 *Vict.* c. 28]

**Public Schools Act (1868) Amendment Bill** (*Mr. Secretary Bruce, Mr. Solicitor General*)

c. Ordered; read 1° * *July* 14 [Bill 217]

**Public Works (Ireland) Bill**
(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
*c.* Ordered; read 1°* *July* 8 [Bill 202]

**Queen Anne's Bounty Bill** [H.L.]
(*The Lord Archbishop of Canterbury*)
*l.* Presented; read 1ª* *July* 13 (No. 185)

Raikes, Mr. H. C., *Chester*
University Tests, Comm. *cl.* 6, 790, 793; *add. cl.* 1094, 1099

**Railway Construction Facilities Act (1864) Amendment Bill**
(*Mr. Whalley, Mr. M'Mahon*)
*c.* Read 2°* *July* 8 [Bill 94]

**Railways Abandonment Bill**
(*Mr. Shaw-Lefevre, Mr. John Bright*)
*c.* Ordered; read 1°* *June* 29 [Bill 186]
Read 2°* *July* 5

Rathbone, Mr. W., *Liverpool*
Assessed Rates, Comm. *cl.* 1, Amendt. 385, 390, 394, 397, 398; *cl.* 10, Amendt. 533; *add. cl.* 536; Consid. Amendt. 1086
Bankruptcy, Comm. *add. cl.* 417
Imprisonment for Debt, Consid. *cl.* 5, 767
Poor Law, Res. 430, 443, 447

Read, Mr. C. S., *Norfolk, E.*
Agricultural Returns, Res. 837
Contagious Diseases (Animals), Comm. *cl.* 15, Amendt. 1271, 1272, 1290, 1291; *cl.* 7, 1768; *add. cl.* 1770, 1771, 1772
Feed Stuffs and Manures, Res. 974

**Real Estate Intestacy Bill**
(*Mr. Locke King, Mr. Bouverie, Mr. Hinde Palmer, Mr. Headlam*)
*c.* Moved, "That the Bill be now read 2°" *July* 14, 1820
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Beresford Hope*); after debate, Question put, "That 'now,' &c.;" A. 169, N. 144; M. 25; main Question put, and agreed to; Bill read 2° [Bill 45]

Redesdale, Lord (Chairman of Committees)
Bishops Resignation, 2R. 1747
Irish Church, 2R. 65, 70, 82, 291; Comm. *cl.* 6, 754; *cl.* 13, Amendt. 883; Report, 1488, 1492; *add. cl.* 1496, 1499; 3R. 1616
Parliament—Order in the House, 407

Reed, Mr. C., *Hackney*
Sunday and Ragged Schools, Comm. 464, 466

*Regina* v. *Overend, Gurney, & Co.*
Question, Mr. Eykyn; Answer, Mr. Bruce *June* 30, 821; Observations, Mr. Eykyn, 975; Reply, Mr. Bruce; debate thereon; Moved, "That this House do now adjourn" (*Mr. Fawcett*), put, and negatived *July* 1, 980; Observations, Mr. Fawcett; Reply, The Solicitor General *July* 5, 1194

**Religious, Educational, &c. Societies Incorporation Bill** (*The Lord Romilly*)
*l.* Moved, "That the House do now resolve itself into a Committee" *June* 25, 567; after short debate, Motion withdrawn

*Representation of the People Act*, 1867—*Representation of Minorities*
Question, Sir Henry Hoare; Answer, Mr. Gladstone *June* 17, 124

Richard, Mr. H., *Merthyr Tydfil*
*Elections (Wales), Res. 1294, 1329

Richards, Mr. E. M., *Cardiganshire*
Elections (Wales), Res. 1321, 1322
Imprisonment for Debt, Comm. *cl.* 5, 577

Richmond, Duke of
Endowed Schools, Comm. 1866, 1868, 1873
Justices of the Peace Qualification, 2R. Amendt. 510, 511

Ridley, Mr. M. W., *Northumberland, N.*
Agricultural Labourers, Res. 596
Contagious Diseases (Animals), Comm. *cl.* 63, 1534

Ripon, Bishop of
Irish Church, 2R. 53

**Roads and Bridges (Scotland) Bill**
(*The Lord Advocate, Mr. Solicitor General for Scotland*)
*c.* Ordered; read 1°* *July* 9 [Bill 207]
Bill withdrawn* *July* 15

Roden, Mr. W. S., *Stoke-on-Trent*
Imprisonment for Debt, Comm. *cl.* 5, 573

Romilly, Lord
Bankruptcy, 2R. 1415
Irish Church, Comm. *cl.* 7, 757; *cl.* 19, 1263, 1265; *cl.* 21, Amendt. 1267
Parliament—Order in the House, 400
Religious, Educational, &c. Societies Incorporation, Comm. 567, 569

Romney, Earl of
Charity Commissioners, 2R. 1749
Endowed Schools, Comm. *cl.* 30, 1884

Rosse, Earl of
Irish Church, Report, 1491

*Roumania, Jews in*
Question, Mr. Alderman Salomons; Answer, Mr. Otway *July* 9, 1524

Russell, Earl
Irish Church, 2R. 162; Comm. Preamble, 723; *cl.* 27, 1015; *cl.* 28, 1071; Report, 1494, 1512; 3R. 1646
Life Peerages, 3R. 1399

RUTLAND, Duke of
Irish Church, Comm. Preamble, 738; *cl.* 2, 749, 752; *cl.* 41, 1162

*Ryde Pier*
Questions, Sir James Elphinstone, Lord Henry Lennox; Answers, Mr. Childers *June* 21, 358

RYLANDS, Mr. P., *Warrington*
Assessed Rates, Comm. *cl.* 1, 395
Public Houses, &c. Res. 447, 458
Supply—Public Works (Ireland), 1462
  Rates on Government Property, 1459
  Stationery Office, 1693

ST. DAVID'S, Bishop of
Irish Church, Comm. Preamble, 720; *cl.* 12, 871

ST. MAUR, Earl
Irish Church, Comm. *cl.* 14, 912

*Sale of Liquors on Sunday*
Moved, "That, in the opinion of this House, it is expedient that any measure for the general amendment of the Laws for Licensing Public Houses, Beer Houses, and Refreshment Houses should include the prohibition of the sale of Liquors on Sunday" (*Mr. Rylands*) *June* 22, 447; after short debate, Motion withdrawn

SALISBURY, Marquess of
Bright, Mr., Letter of, 15
Endowed Schools, Comm. 1874; *cl.* 14, Amendt. 1877, 1879; *cl.* 19, 1882; *cl.* 30, 1883
India—Bengal Bank at Bombay, 513
Infant Life Preservation, 2R. 1739
Irish Church, 2R. 81, 82; Comm. Preamble, 738; *cl.* 2, 749; *cl.* 6, 754; *cl.* 13, 877; *cl.* 14, Amendt. 901, 916; *cl.* 15, Amendt. 918, 920; *cl.* 27, Amendt. 1001; *cl.* 28, 1065; *cl.* 29, 1126; *cl.* 33, 1157, 1164; *cl.* 68, 1245, 1248; Report, Amendt. 1496, 1507, 1508, 1520, 1524
Parliament—Order in the House, 404

*Salmon Fisheries*
Select Committee *appointed*, "to inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein" (*Mr. Dodds*) *June* 17, 161; List of the Committee, 161

**Salmon Fisheries Law Amendment Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Bill withdrawn* *June* 17 [Bill 130]

SALOMONS, Mr. Alderman D., *Greenwich*
Imprisonment for Debt, Comm. *cl.* 5, 576; *cl.* 18, 581
Insolvent Debtors and Bankruptcy Repeal, 1526
Jews in Roumania, 1525
Supply—Home Office, &c. Departments, 1480
  Houses of Parliament, 682

SAMUDA, Mr. J. D'A., *Tower Hamlets*
Trades Unions, 2R. 1383

SAMUELSON, Mr. B., *Banbury*
Assessed Rates, Consid. *add. cl.* 1082
Education Votes, 515

SAMUELSON, Mr. H. B., *Cheltenham*
Parliament—Ladies' Gallery, Res. 1585

SANDON, Viscount, *Liverpool*
Elections (Wales), Res. 1328

SARTORIS, Mr. E. J., *Carmarthenshire*
Army—Adjutancies of Militia, Res. 138
University Tests, Comm. *add. cl.* 1095

**Savings Banks and Post Office Savings Banks Bill** (*Mr. Dodson, Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
*c.* Resolution in Committee *July* 6
Resolution reported; Bill ordered; read 1°* *July* 7 [Bill 199]

SCLATER-BOOTH, Mr. G., *Hampshire*,
Bankruptcy, Comm. *cl.* 130, 314
Civil Offices (Pensions), Consid. *cl.* 3, 551
Sunday and Ragged Schools, Comm. 465
Supply—Board of Trade, 1683
  Furniture, Public Departments, 677, 678
  Home Office, &c. Departments, 1480
  House of Commons Offices, 1476, 1477
  House of Lords Offices, 1476
  Houses of Parliament, 680; Report, 441
  Lunacy Commission, 1685
  Poor Law Commission, 1688
  Probate Court and Registries, 1211
  Public Buildings, 674, 675, 676
  Public Offices Site, 1203, 1206
  Queen's and Lord Treasurer's Department (Scotland), 1710
  Royal Parks, &c. 668, 671
  Treasury, &c. Departments, 1478, 1479
  Works, &c. 1705

SCOTLAND
*Scotch Salmon Fishery Act*, 1862, Question, Lord Abinger; Answer, The Earl of Morley *July* 13, 1753
*Truck Act*, Question, Sir David Wedderburn; Answer, Mr. Bruce *July* 15, 1885
*Waternish Church, Isle of Skye*, Question, Mr. Miller; Answer, Mr. Bruce *July* 15, 1886

SCOURFIELD, Mr. J. H., *Pembrokeshire*
Agricultural Labourers, Res. 605
Elections (Wales), Res. 1319
Supply—Poor Law Commission, 1688
  Stationery Office, 1693

**Sea Fisheries Act (1868) Extension Bill**
(*Mr. Andrew Johnston, Colonel Brise, Mr. Donald Dalrymple*)
*c.* Bill withdrawn* *July* 14 [Bill 156]

**Sea Fisheries Act (1868) Supplemental Bill** (*The Earl of Kimberley*)
*l.* Read 2ª * *June* 17 (No. 132)
Committee *; Report *June* 24
Read 3ª * *June* 25
Royal Assent *July* 12 [32 & 33 *Vict.* c. 31]

**Seamen's Clothing Bill** [H.L.] (*The Earl of Camperdown*)
*l.* Presented; read 1ª * *July* 12 (No. 189)

**Seeds Adulteration Bill** (*Mr. Welby, Mr. Brand, Sir Michael Hicks-Beach, Mr. Read*)
*c.* Referred to Select Committee; Select Committee nominated; List of the Committee *June* 28 [Bill 49]

Seely, Mr. C., *Lincoln City*
Supply—Embassy Houses Abroad, 1466

Selwin-Ibbetson, Sir H. J., *Essex, W.*
Assessed Rates, Consid. *add. cl.* 1083
Contagious Diseases (Animals), Comm. *cl.* 16, 1292
Marriage with a Deceased Wife's Sister, Instruction, Motion for Adjournment, 467
Parliament—Morning Sittings, 1190

Sheridan, Mr. H. B., *Dudley*
Police Constables, Pay of, 1663

Sherlock, Mr. D., *King's Co.*
Dublin Freemen, Leave, 952
Supply—Stationery Office, 1700

**Shipping Dues Exemption Act (1867) Amendment Bill** (*Mr. Russell Gurney, Mr. William Cowper*)
*c.* Resolution in Committee; Resolution reported; Bill ordered; read 1° * *June* 28 [Bill 184]
Read 2° * *July* 5
Committee *; Report *July* 6
Considered * *July* 7
Read 3° * *July* 7
*l.* Read 1ª * (*The Earl of Kimberley*) *July* 8 (No. 178)

Sidebottom, Mr. J., *Staleybridge*
Société Industrielle et Agricole d'Egypte, 1167

*Silk Manufactures*
Amendt. on Committee of Supply *June* 18, To leave out from "That," and add "a Select Committee be appointed to inquire into and report upon the operation of the Commercial Treaty with France, ratified the 13th day of January 1860, and particularly as it affects the Silk Manufacture in this Country" (*Mr. Staveley Hill*), 329; Question proposed, "That the words, &c.;" after debate, Question put; A. 155, N. 101; M. 54

Simon, Mr. Serjeant J., *Dewsbury*
Bankruptcy, Comm. *cl.* 131, Amendt. 415
Imprisonment for Debt, Comm. *cl.* 5, 575; *cl.* (D) 12, 578; *cl.* 14, 580; Consid. *cl.* 5, Amendt. 761, 764, 766

Smith, Mr. J. B., *Stockport*
Contagious Diseases (Animals), Comm. *cl.* 67, 1539; *cl.* 90, 1758; *cl.* 96, Amendt. 1759, 1761, 1763; *cl.* 101, *ib.*

Solicitor General, The (Sir J. D. Coleridge), *Exeter*
Imprisonment for Debt, Consid. *cl.* 5, 763
Real Estate Intestacy, 2R. 1860
Regina v. Overend, Gurney, & Co. 1196, 1198
University Tests, Comm. *cl.* 1, 789; *cl.* 6, 792; *add. cl.* 1097, 1101, 1103

Somerset, Duke of
Bishops Resignation, 2R. 1743
Endowed Schools, Comm. *cl.* 13, 1876
Irish Church, Comm. *cl.* 13, 874; *cl.* 25, 998; Report, 1492; 3R. 1635

*South Eastern Railway*
Question, Captain Grosvenor; Answer, Mr Bright *June* 21, 355

*South Kensington Museum*
Question, Lord Elcho; Answer, Mr. W. E. Forster *June* 25, 570

*South Sea Islands—Slave Trade from the*
Question, Mr. P. A. Taylor; Answer, Mr. Monsell; short debate thereon *June* 28, 633

*Spain—Treaty of Commerce*
Question, Mr. Bazley; Answer, Mr. Otway *July* 8, 1425

Speaker, The (Right Hon. J. E. Denison) *Nottinghamshire, N.*
Elections (Wales), Res. 1322
Irish Church, Lords' Amendts. 1921, 1941, 1948, 1949, 1955
Regina v. Overend, Gurney, & Co. 977, 980, 995, 1198
United States — Recent Negotiations with, 1427, 1428

**Special and Common Juries Bill** (*Viscount Enfield, Mr. Headlam, Mr. Denman*)
*c.* Read 1° * *June* 23 [Bill 175]

**Special Bails Bill** (*Mr. Hadfield, Mr. Denman*)
*c.* Committee—R.P. *June* 25 [Bill 162]
Committee *; Report *June* 28
Considered * *June* 29
Read 3° * *June* 30
*l.* Read 1ª * (*The Lord Chancellor*) *July* 1
Moved, "That the Bill be now read 2ª" *July* 13, 1749; Bill read 2ª (No. 166)

Spencer, Earl (Lord Lieutenant of Ireland)
Ireland—Religious Disturbances, 1227
St. Patrick, Order of, 1107

Stacpoole, Mr. W., *Ennis*
Army—Relief of Regiments in India, 1421

STANHOPE, Earl
Infant Life Preservation, 2R. 1739
Irish Church, 2R. 98; Comm. *cl.* 2, 751; *cl.* 6, Amendt. 754; *cl.* 27, 1001, 1021; *add. cl.* 1259, 1260; Report, 1488; Amendt. 1490, 1493; 3R. Amendt. 1625, 1654
Life Peerages, 3R. 1393
Parliament—Order in the House, 406

STANLEY, Hon. Captain F. A., *Lancashire, N.*
Greenwich Hospital, Comm. 557

STANSFELD, Right Hon. J. (Lord of the Treasury), *Halifax*
Supply—Consular Buildings, &c. 1470
Office of Woods, &c. 1704, 1705

STAPLETON, Mr. J., *Berwick-on-Tweed*
Imprisonment for Debt, Comm. *cl.* 5, 577; Consid. *cl.* 5, 763; Amendt. 764

STEPNEY, Colonel J. S. C., *Carmarthen, &c.*
Elections (Wales), Res. 1323

STEVENSON, Mr. J. C., *South Shields*
University Tests, Comm. *cl.* 1, Amendt. 788

**Stipendiary Magistrates (Deputies) Bill**
(*Viscount Sandon, Mr. Muntz, Mr. Rathbone*)
*c.* Ordered; read 1° * *June* 23 [Bill 176]
Read 2° * *June* 29
Committee *; Report *July* 5
Considered * *July* 6
Read 3° * *July* 8
*l.* Read 1ª * (*The Earl of Carnarvon*) *July* 9 (No. 179)

STRONGE, Sir J. M., *Armagh Co.*
Ireland—Portadown, Riots at, 1171

**Suburban Commons Bill**
(*Mr. Cowper, Mr. Liddell*)
*c.* Ordered; read 1° * *June* 22 [Bill 174]
Read 2° * *July* 1

SULLIVAN, Right Hon. E. (Attorney General for Ireland), *Mallow*
Dublin Freemen Commission, Leave, 819, 955; 2R. 1183
Ireland—Jury Panel (Monaghan), 1343
Irish Church, Lords' Amendts, 1958, 1960; Amendt. 1962, 1975, 1976
Prisoners (Political Offences), Res. 813

**Sunday and Ragged Schools Bill**
(*Mr. Charles Reed, Mr. Bazley, Mr. Graves, Mr. M'Arthur*)
*c.* Committee; Report, after short debate *June* 22, 464 [Bills 67-170]
Re-comm. *—R.P. *June* 25
Re-comm. *—R.P. *July* 1
Re-comm. *; Report *July* 5 [Bill 205]
Considered * *July* 8
Read 3° * *July* 12
*l.* Read 1ª * (*The Earl of Shaftesbury*) *July* 13 (No. 188)

*SUPPLY*
Considered in Committee *June* 17, 143—ARMY ESTIMATES—Resolutions reported *June* 18
*The Education Votes*, Question, Mr. Samuelson; Answer, Mr. W. E. Forster *June* 24, 515
Considered in Committee *June* 28, 652—CIVIL SERVICE ESTIMATES—Resolutions reported *July* 8
Considered in Committee *July* 5, 1200—CIVIL SERVICE ESTIMATES — Resolutions reported *July* 6
Considered in Committee *July* 8, 1456—CIVIL SERVICE ESTIMATES — Resolutions reported *July* 9
Considered in Committee *July* 12, 1677—CIVIL SERVICE ESTIMATES — Resolutions reported *July* 22

SYKES, Colonel W. H., *Aberdeen City*
China—Hong Kong Gambling Houses, 1667
Pekin—Affair at, 625
China—Tien-Tsin, Treaty of, Motion for Papers, 1779
Contagious Diseases (Animals), Comm. *cl.* 15, 1289; *cl.* 45, Amendt. 1294; *cl.* 63, 1532; *cl.* 101, 1764; *add. cl.* 1770
Supply—Consular Buildings, &c. 1469
Embassy Houses Abroad, 1467
Foreign Office, 1679
Furniture, Public Departments, 677
House of Lords Offices, 1475
Industrial Museum, Edinburgh, 1213
Public Buildings, 676
Royal Parks, &c. 665
Stationery Office, 1697
Works, &c. 1708

SYNAN, Mr. E. J., *Limerick Co.*
Medical Officers Superannuation (Ireland), 2R. 490
Poor Law (Removal of Children), Res. 1340

TALBOT, Mr. J. G., *Kent, W.*
University Tests, Comm. *cl.* 6, 791

TAUNTON, Lord
Endowed Schools, 2R. 616
Irish Church, Comm. *cl.* 28, 1025; *cl.* 68, 1237; Report, 1493
Parliament—Order in the House, 406

TAYLOR, Right Hon. Colonel T. E., *Dublin Co.*
Dublin Freemen, Leave, Motion for Adjournment, 820

TAYLOR, Mr. P. A., *Leicester*
Poor Law—Vagrants in Sacks, Narberth Union, 308, 1890
South Sea Islands—Slave Trade from the, 633

**Tenants Purchase by Instalments (Ireland) Bill** [H.L.] (*The Lord Dunsany*)
*l.* Presented; read 1ª * *July* 1 (No. 161)

TIPPING, Mr. W., *Stockport*
Contagious Diseases (Animals), Comm. *cl.* 63, 1533

TITE, Mr. W., *Bath*
Supply—Houses of Parliament, Report, 1436

**Titles of Religious Congregations Act Extension Bill**
(*The Duke of Saint Albans*)
*l.* Read 2ª * *July* 2 (No. 130)
Committee *; Report *July* 5
Read 3ª * *July* 6
Royal Assent *July* 12 [32 & 33 *Vict.* c. 26]

**Titles to Land Consolidation (Scotland) Act (1868) Amendment Bill**
(*The Lord Advocate, Mr. Secretary Bruce, Mr. Solicitor General for Scotland*)
*c.* Read 2° * *June* 17 [Bill 182]
Committee *; Report *June* 28

TOLLEMACHE, Mr. J., *Cheshire, W.*
Cattle Disease (Cheshire), Res. 1811

TORRENS, Mr. R. R., *Cambridge Bo.*
Assessed Rates, Comm. *cl.* 4, 527
Malta, Res. 1774, 1779

TORRENS, Mr. W. M., *Finsbury*
Dublin Freemen, Leave, 956
Supply—Royal Parks, &c. 672
Treasury, &c. Departments, 1479

TOWNSHEND, Marquess of
Children, &c. Protection, 2R. 1864
Education of Children, 2R. 1738
Infant Life Preservation, 2R. 1739, 1740
Poor in England and Wales, Address for a Commission, 399

**Trades Unions, &c. Bill**
(*Mr. Thomas Hughes, Mr. Mundella*)
*c.* Moved, "That the Bill be now read 2°" *July* 7, 1344; after short debate, Bill read 2°
Bill withdrawn * *July* 12 [Bill 68]

**Trades Unions (Protection of Funds) Bill**
(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
*c.* Ordered; read 1° * *July* 13 [Bill 216]

TREVELYAN, Mr. G. O. (Lord of the Admiralty), *Hawick, &c.*
Greenwich Hospital, Comm. 561

TUAM, Bishop of
*Irish Church, 2R. 104; Comm. *cl.* 46, 1164; 3R. 1613

TURNOR, Mr. E., *Lincolnshire, S.*
Cattle Plague in Roumania, 1081

**Turnpike Acts Continuance, &c. Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1° * *July* 1 [Bill 191]
Read 2° * *July* 8

*United States—Recent Negotiations with the*
Observations, Mr. Gladstone; Reply, Sir Henry Bulwer *July* 8, 1425

**University Tests Bill**
(*Mr. Solicitor General, Mr. Bouverie, Mr. Grant Duff*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 29, 767
Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Mr. Bentinck*); Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P. 788 [Bill 15]
Committee; Report *July* 2, 1090
Considered * *July* 5
Read 3° * *July* 8
*l.* Read 1ª * (*The Earl Russell*) *July* 9 (No. 177)

**Vaccination Amendment Bill**
(*The Marquess Townshend*)
*l.* Bill withdrawn * *July* 15 (No. 85)

**Valuation of Property Bill**
(*Mr. Goschen, Mr. Arthur Peel, Mr. Ayrton*)
*c.* Bill withdrawn * *July* 1 [Bill 11]

**Valuation of Property (Metropolis) (*re-committed*) Bill**
(*Mr. Goschen, Mr. Arthur Peel, Mr. Ayrton*)
*c.* Committee—R.P. *July* 8, 1482 [Bill 100]
Committee *; Report *July* 13

VANCE, Mr. J., *Armagh City*
Dublin City Writ, 128
Ireland—Firearms, Use of, by the Irish Constabulary, 1668
Portadown—Riots at, 1171
Irish Church, Lords' Amendts. Amendt. 1963, 1964
Supply—Motion for reporting Progress, 1482

VERNER, Mr. E. Wingfield, *Lisburn*
Dublin Freemen Commission, 2R. 1176

VERNER, Mr. W., *Armagh Co.*
Ireland—Portadown—Riots at, 1170

VERNEY, Sir H., *Buckingham*
Canada—Hudson's Bay Company, 1526
Supply—Consular Buildings, &c. 1470

VILLIERS, Right Hon. C. P., *Wolverhampton*
Assessed Rates, Consid. Amendt. 1088

VIVIAN, Hon. Captain J. C. W. (Lord of the Treasury), *Truro*
Army—Relief of Regiments in India, 1421
Army—Clerks of the Works and Royal Engineers, Res. 135

WALKER, Major G. G., *Dumfriesshire*
Contagious Diseases (Animals), Comm. *cl.* 90, Amendt. 1759; *cl.* 122, 1765

WALPOLE, Right Hon. S. H., *Cambridge University*
Imprisonment for Debt, Consid. *cl.* 5, 764
Irish Church, Lords' Amendts. 1958, 1961
University Tests, Comm. 782

WALSH, Hon. A., *Radnorshire*
Army—Royal Horse Artillery, 359

WALTER, Mr. J., *Berkshire*
Assessed Rates, Consid. 1089
Irish Church, Lords' Amendts. 1981
Law Courts, New, Motion for a Committee, 463
University Tests, Comm. *cl.* 6, 791; *add. cl.* 1096, 1103

**Warehousing of Wines and Spirits, &c. Bill**
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
*c.* Resolution in Committee; Resolution agreed to; Bill ordered; read 1°* *July* 8 [Bill 201]

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Page 1818, line 20, *for* Mr. Layard *read* Mr. Laird.

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